



NEW MEXICO VICTIM'S RIGHTS PROJECT NEWSLETTER



In the quiet of a late summer evening, her life shattered, she became a statistic—an emblem of the horrors that unfold behind closed doors. Just over five years ago, in a small town that had always felt safe, a woman endured a nightmare that would haunt her forever. Her ex-husband unleashed a fury that defied humanity.

This is her story—a story of resilience, pain, and a justice system that grinds too slowly.

Her name remains anonymous, but her suffering echoes through time. Her soon-to-be-ex-husband, fueled by rage and a twisted sense of entitlement, barged into her sanctuary.

He reminded her of the consequences of leaving him. He punched her, kicked her, and forced her into submission. He had kicked her in the head with his steel-toe shoes dulling her senses as he violated her body. “Make-up sex,” he called it, continually beating and sexually assaulting her over the next six hours. He had taken her phone, her clothes and her car keys. When he finally left, she gathered herself and made it to a friend’s house a few blocks away, they called 911.

The responding police officer took her to the ER where they treated her injuries, conducted a SANE exam, interviewed her and then the officer drove her home. In a meeting a few months later, with the victim and her father, and the prosecutor, the officer thought a simple assault charge was all that was warranted. Aghast and hurt, the victim walked out of the meeting. The prosecutor contacted the police chief asking for a thorough investigation. A little over a year later, the investigation was completed, the prosecutor charged the perpetrator with 9 felonies (6 counts of CSP, 2 counts Aggravated Battery resulting great bodily harm) and several misdemeanors - in all 13 charges.

The victim had filed for a restraining order after the assault, and at that hearing, her attorney asked the judge to direct the defendant to return the victim’s car keys. After the judge told him to do so, he went out to his car, came back into the courtroom handing the victim’s car keys to her attorney.

And yet, the wheels of justice in the criminal case turn slowly. Over five years later, resolution eludes her. The case languishes, leaving her in limbo.

Justice delayed is justice denied. For this woman, it’s not just a saying; it’s her reality. The scars on her body are visible, but the invisible wounds run deeper—the trauma, the fear, the unanswered questions.

The Victim’s Rights attorney representing the victim filed a Motion asserting the Victims Right to Timely Disposition two years ago, and yet the case still lingers. The defendant has caused many delays because of his inability to retain counsel. He is currently on his fourth defense attorney.

To Be Continued in a Future Newsletter.



Networking help us to ensure victim services are met.

Pictured is Glenn St. Onge, Executive Director of the Domestic Violence Resource Center along with Linda Atkinson, Executive Director for the New Mexico Victim's Rights Project.

Linda did a victims rights training for the victim advocates at DVRC on July 31st.



Stay connected and join the conversation by following us on our new Facebook page!



DWI Resource Center/New Mexico Victim's Rights Project Executive Director, Linda Atkinson recently did an interview with Bob Clark on 96.3 KKOB News Radio.

She spoke about her 30 years in the DWI prevention field, and what research tells us about reducing DWI deaths, and injuries.

<https://omny.fm/shows/the-bob-clark-podcast/dwi>



New Mexico Victim's Rights Board Member Anna Lambertson wrote a letter to the Albuquerque Journal highlighting a flaw in the judicial system that allows offenders to get a new trial if they don't like the outcome of their current trial.

See Anna's letter to the editor below.

I recently attended a hearing in the third district court in Las Cruces. I am a board member and volunteer for the New Mexico Victims' Rights Project. Several of us attended this hearing to support the victim, who had been married to the defendant.

The prosecution had dismissed three previous felony abuse cases against the defendant in 2021. The prosecution stated that the reason for two of those dismissals was so that they could be presented to a grand jury. They never were. The hearing I attended concerned the final charges against this defendant – a misdemeanor violation of a protective order.

The misdemeanor case had been filed in magistrate court and tried by a jury. The jury convicted the defendant. The defendant's lawyer then filed a motion for a judgment of acquittal notwithstanding the verdict (asking the judge to overrule the jury's decision). The magistrate judge had denied the motion.

The defense then filed for a new trial in district court. Did you know that if you don't like the outcome of your trial in magistrate court, you can get a brand new trial – a do-over – in district court just by asking?

In this case, rather than risking a new jury trial, the defense attorney filed another motion – now in district court - asking the judge to substitute his judgment for that of the jury. This was the motion hearing I went to observe. In minutes, without hearing substantive argument, the judge granted the motion to dismiss the case. In other words, the judge substituted his judgment for that of a jury who had sat through a trial and heard all the evidence and the arguments of both sides. He also substituted his judgment for that of the magistrate judge who had seen the case through from beginning to end. The standard for overruling a jury's determination of the facts is very high. Appellate courts rarely do it, but that didn't stop this judge.

In New Mexico, misdemeanors are usually tried in magistrate courts (in Albuquerque and Bernalillo County in Metro Court). Magistrate courts are not courts of record and are set up to deal with minor crimes more expeditiously than district courts. District courts are courts of record and deal with more serious crimes. Some misdemeanors, however, are quite serious – such as DWI and protective order violations. In most cases, the magistrate court resolves the matter, and it is over. The flaw in this system, however, is what I witnessed in Las Cruces. If you can afford an aggressive lawyer, you can have multiple bites at the apple, and if you get the right judge, you may not even need that second trial.

Does it make sense that our taxpayer dollars are spent on two trials for misdemeanors? The answer seems to me to be a resounding NO. We should change our laws to require a defendant to choose whether to be tried in magistrate court or district court.

Staff Highlight – Melissa Ames, Victim Advocate



Melissa started her advocacy career in 2003 as a member of the National Education Association and American Federation of Teachers. As Vice President for a local union she advocated for the Classified School Employees Council in her local school district. She negotiated and bargained with the school district and was part of the Employee Rights Team.

From 2015 to 2023, Melissa also supported her local police department as an On-Call Advocate on weekends for the Las Cruces Police Department's Crime Intervention Response Team, and has also volunteered with Mesilla Valley CASA advocating on behalf of children in the foster care system in Doña Ana County.

She was awarded through both State and regional offices the National Education Association Paraprofessional of the year in 2020, and continues her education by currently taking courses towards her paralegal certification.

Melissa joined the NM Victim's Rights Project in 2018 as a victim advocate. Since that time, she has provided support and assistance to over 800 crime victims in the state. Her work involves assisting victims with navigating the criminal justice system, assisting with Orders of Protection, Violations of those orders, locating attorneys to represent victims in the criminal justice system as well other legal matters victims seek (divorce, custody, housing and employment) and referrals to other victim assistance organizations. She is active in many local organizations and networking constantly to know who and where to find resources for our clients.

Melissa is a treasured asset to this organization and we grateful (as are many of our clients) that she does what she does. Melissa is in our Las Cruces, New Mexico office.



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From the Executive Director: Linda Atkinson

Crime Victims' Right to Timely Disposition in New Mexico

When a crime occurs, the impact reverberates far beyond the courtroom. Victims—those who have suffered physical, emotional, or financial harm—deserve swift justice. In New Mexico, legal protections are meant to ensure that victims' rights are respected throughout the criminal justice process, including the critical right to timely disposition. However, so often these rights are ignored or violated. New Mexico case law is sparse and does not lend to remedies for when these rights are violated.

Timely disposition refers to the efficient handling of criminal cases from start to finish. It encompasses the investigation, arrest, trial, and sentencing. For victims, timely disposition matters profoundly. It helps minimize trauma; victims endure anxiety, fear, and uncertainty during legal proceedings. Delays exacerbate their trauma. Swift resolution allows them to begin healing.

While defendants have due process rights, victims also deserve timely justice. Balancing these rights helps ensure fairness for all parties.

Victims have a right to restitution—compensation for their losses. Closure remains elusive until justice is served promptly.

New Mexico Statutes Section 31-26-4:

Victims have specific rights, including:

- ✦ **Fair Treatment:** Victims must be treated with dignity and respect throughout the process.
- ✦ **Timely Disposition:** Cases should move forward promptly.
- ✦ **Protection:** Victims deserve reasonable protection from the accused.
- ✦ **Notification:** Victims must be informed of court proceedings.
- ✦ **Restitution:** Full restitution from the offender is guaranteed.
- ✦ **Information:** Updates on the accused's conviction, sentencing, and release.
- ✦ **Property Return:** Victims promptly receive any property held for evidentiary purposes.

Sources:

[New Mexico Statutes Section 31-26-4](#)

[New Mexico Constitution Article II § 24](#)

Justice delayed is justice denied—not only for defendants but also for victims. As we advocate for justice, let's remember those who seek closure, healing, and restitution.

In the next newsletter I will highlight another story and another critical right crime victims have.