

Martinez Broke Her Promise Not To Plea DWI Cases

District Attorney Susana Martinez is running on her record as a tough DA, but she has not lived up to her promises. In 2000 and again in 2004, Martinez ran for re-election on a pledge that she would not tolerate drunk driving. In 2004 she even said “We will not plea bargain a DWI case.” Yet an analysis of her felony DWI/DUI cases from fiscal year 2000 to 2009, generated by the non-partisan Administrative Office of the Courts, shows Martinez pled over 1,000 felony DWI/DUI cases handled by her office in District Court. Instead of being tough on drunk drivers, Martinez broke her pledge and let the majority of them off easy on lesser penalties.

Martinez Pledged She Would Not Plea Bargain DWI Cases But...

2000 – Martinez Said Her Office Had A “Zero Tolerance” Stance On Drunken Driving. During her 2000 campaign, Martinez cited her office’s “zero tolerance” stance on drunken driving as a reason why she should be re-elected. [Associated Press, 10/25/00]

2004 – Martinez: “We Will Not Plea Bargain A DWI Case,” Particularly For Repeat Offenders. According to the Las Cruces Sun-News, “The dubious record for most previous DWI convictions in Dona Ana County is 22...It happens almost everywhere in New Mexico and the reasons vary, but in Dona Ana County, steps are being taken to put an end to it. ‘We will not plea bargain a DWI case,’ Dona Ana County District Attorney Susana Martinez said. ‘We don’t pretend it is a first or second offense just to move the court docket along.’” [Las Cruces Sun-News, 9/5/04]

Since FY2000 Martinez Has Pled Over 1,000 Felony DWI/DUI Cases

FY 2000-2009: Over 1,000 DWI/DUI Cases Were Plea Agreements. According to the Annual Reports by the Judicial Branch of New Mexico, FY 2000-2009, over 1,000 of the Third District Court’s felony DWI/DUI convictions were from plea agreements. [New Mexico Courts, The Judicial Branch of New Mexico, Annual Reports FY 2000-2009, accessed [5/15/10](#)]

FISCAL YEAR	PLEA BARGAINS
FY 2009	120
FY 2008	111
FY 2007	181
FY 2006	150
FY 2005	170
FY 2004	104
FY 2003	95
FY 2002	66
FY 2001	38
FY 2000	55
Total	1090

[New Mexico Courts, The Judicial Branch of New Mexico, Annual Reports FY 2000-2009, accessed [5/11/10](#)]

Note: Plea bargains include plea at trial and plea before trial

Felony DWIs Includes Four Or More Offenses That Are Handled By District Attorney's Office

District Attorney's Office Stepped In On Fourth Offense DWI Offense Or Higher Because It Became Felony And Went To District Court. According to the Las Cruces Sun-News, "The district attorney's office steps in on the fourth or higher number of DWI convictions because it is a felony and the offender goes to District Court. The district attorney's office completes a national check to determine whether a person has previous DWI convictions, according to Martinez. Municipal and magistrate courts generally do not because of lack of computer software and budget constraints." [Las Cruces Sun-News, 9/5/04]

NUMBER OF DWI OFFENSES	CLASSIFICATION	PENALTY DESCRIPTION
4th Offense	FELONY 4th DEGREE	Lifetime license revocation with 5-year court review. Up to 18 months prison, 6 months mandatory. Up to \$5,000 fine. Other mandatory penalties: alcohol evaluation, treatment, lifetime ignition interlock with 5-year court review.
5th Offense	FELONY 4th DEGREE	Lifetime license revocation with 5-year court review. Up to 2 years prison, 1 year mandatory. Up to \$5,000 fine. Other mandatory penalties: alcohol evaluation, treatment, lifetime ignition interlock with 5-year court review.
6th Offense	FELONY 3rd DEGREE	Lifetime license revocation with 5-year court review. Up to 30 months prison, 18 months mandatory. Up to \$5,000 fine. Other mandatory penalties: alcohol evaluation, treatment, lifetime ignition interlock with 5-year court review.
7th or Subsequent Offense	FELONY 3rd DEGREE	Lifetime license revocation with 5-year court review. Up to 3-year prison, 2-year mandatory. Up to \$5,000 fine. Other mandatory penalties: alcohol evaluation, treatment, lifetime ignition interlock with 5-year court review.

[New Mexico Department of Public Safety, accessed [5/11/10](#)]