



NEW MEXICO VICTIMS' RIGHTS BULLETIN

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A Victim Speaks Out In Court

A victim of an attempted murder was told by the prosecutor that the offender would most likely receive probation only for his crime. The Victims' Rights Project personnel encouraged the victim to prepare a Victim Impact Statement and present it to the court. Below is an excerpt from that statement.

Your Honor, I would like to thank the Court for allowing me to speak today. I am here today because I contacted the District Attorney's office about a month ago about the status of the State of New Mexico's case. The Victim's Advocate office never kept me informed of the progress of the trial and the decision by the DA's office to drop the charges against the other defendant in this case. I was told by the DA that he would receive the same sentence as a person convicted of possession of marijuana. Has our justice system become so insensitive and jaded that it has lost the last vestige of accountability to the victim of this crime? Was Mr. Vallejos released because his attorney knew how to use the system?

Your Honor, I strongly object to a sentence of probation being offered to this defendant.

Mr. Pacheco should serve time in prison for attempting to murder me during an armed robbery. Let me tell the court about what has happened to me as a result of that fateful day in February of 2002 when Misters Chavez, Pacheco, and Vallejos decided to rob and murder me. I went through a year of counseling and psychotherapy for the depression caused by having been forced to take another human life in order to preserve my own. During that period I suffered constant flashbacks and nightmares. Nightmares in which I had to defend myself over and over again against the defendants who conveniently outnumbered me. I still am haunted by that fear as I stand before you. Can any of you gathered in this courtroom today, guarantee me that I will not be attacked by Mr. Pacheco or Mr. Vallejos or their relatives at a time and place of their choosing out of revenge? Your Honor, my future rests in your hands.

I have been unemployed until recently and I am completely bankrupt. I have bill collectors harassing me night and day. I have spent all my savings and retirement trying to pay all my bills. Some of these bills stem from the Chavez/Pacheco attack. I find it somewhat ironic that I, the victim as determined by the criminal justice system am reduced to pleading with this court to do its job of simply rendering justice. Who does

the justice system represent, the criminal or the victim? In this case are you telling me that loss of wages + mental anguish + bankruptcy = probation?

The last matter concerns what I feel is an attempt to intimidate me not to appear in your court today your Honor. I was served with a summons just before this hearing by an attorney representing the father of Mr.Chavez. The lawsuit charges me with failing to provide medical treatment to Carlos Chavez after he beat, strangled and blinded me with mace. Assuming that miraculously I somehow recovered from my injuries to be able to summon medical attention for my assailant, how could medical treatment be administered when he had fled the scene with Mr. Pacheco?

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What is a Victim Impact Statement?

A brief summary of the harm and or trauma suffered by the victim as a result of the crime.

A summary of the economic loss or damage suffered by the victim as a result of the crime. This would include requests for restitution for out-of-pocket expenses.

The victim's reactions or objections to the proposed sentence. Jail, prison, work release and community service can be addressed.

A concise statement of what outcome the victim would like and the reasons to support this opinion, including support for or opposition to treatment or community service programs.

Highlights about the victim. They're past accomplishments, hopes for the future, and what the crime has done to curtail these activities.

The overall effect the crime has had on the victim and their family.

Presenting a Victim Impact Statement is a RIGHT of all crime victims that should be enforced and encouraged by all parties involved in the criminal justice system.

Information on Teen Dating Violence Presented to Middle School Students

It is more likely that a woman will be hurt or killed by someone she knows than by a stranger. By the time a Victim Advocate sees a victim they have little if any self-esteem or self-respect. By the time the abuser is brought into court they are filled with so much rage that it is difficult to get them to see the truth on how the violence is affecting them and their family. Therefore, it is important that we speak to our children about domestic violence before they become an abuser or a victim. Keesha Ashanti of the Victims' Rights Project and Shannon Enright-Smith of Resources, Inc. made a presentation to seven classes at a local Middle School on teen-dating violence.

Surveys were given to the students prior to the presentation. The purpose of the survey was to determine if the students had been exposed to domestic violence.

The students were shown excerpts from the video "Stolen Childhood". The video portrays the experience of an abuser who as a child watched his step-father abuse his mother and then grew up to act out with his own family what he had observed as a child. Following the video there was a discussion on what is domestic violence; types of domestic violence; why victims stay in abusive relationships; ending the abuse; being

a friend to a victim of abuse; what to do if you are an abuser or have a friend who is an abuser; guidelines to building a healthy relationship; and raising awareness of teen date violence. The students then viewed the video by Martina McBride, "Independence Day". The presentation ended with a handout that summarized the information and provided a list of resources.

The students also filled out an evaluation. Most felt the information provided was valuable and would be of help to them.

Survey Results:

- 140 surveys were returned, 2 were incomplete.
- Of the 138 completed surveys, there were 72 females and 66 males
- 41 indicated exposure to abuse. Of these:
 - 5 were in abusive dating relationships
 - 23 experienced abuse in the home
 - 8 experienced abuse both at home and in a dating relationship
 - 5 experienced abuse at home and from peers

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Mr. Chavez was a page to an important political figure in Santa Fe. During his funeral, the members of the New Mexico legislature wore black ribbons in mourning. Evidently, the deceased's family has friends in high places in Santa Fe. Are Mr. Pacheco and Mr. Vallejos recipients of special treatment because of their friends? What are the repercussions for me? I have had to hire an attorney to defend myself in this lawsuit, which is but one more example of the victim of a crime paying the price that the criminal should pay. With regard to my feeling concerning probation for the man who attacked me, I respectfully ask this court to punish the criminal standing in front of you and to spare me more pain and suffering.

After the victim spoke, to everyone's amazement, the Judge decided to sentence the offender to three years in prison – not probation.

CRIME VICTIMS' RESOURCES

Adult Protective Services	(800) 797.3260
Agora Crisis Center	(505) 277.3013
Child Protective Services	(800) 797.3260
Covenant House Hotline	(800) 999.9999
DWI Resource Center	(888) 410.1084
MADD	(800) 522.6233
NM Crime Victims' Reparations	(505) 841.9432
Rape Crisis Center	(505) 266-7711
Hopeline (Suicide Hotline)	(800) 784-2433
NM Coalition Against Domestic Violence Resources Inc.	(800) 773-3645
Survivors of Homicide	(877) 974.3400
Victims' Rights Project	(877) 700.8500
Women Community Association	(888) 410.1084
	(800) 773.3645