

## **Governor's Office Joins Appeal To Validate Tougher DWI Laws**

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SANTA FE- Governor Bill Richardson today announced his office has joined the Legislative branch in supporting the New Mexico Attorney General's appeal of a decision that negated tougher DWI laws passed last year.

Earlier this year, the State Court of Appeals ruled that enhanced penalties for DWI offenders, passed in 2003, were invalid because of the order in which DWI legislation was signed. The Appeals Court ruling came after defendants in three separate DWI cases in San Juan County appealed sentences that incorporated the stiffer penalties. The Court combined the appeals into one proceeding, and sided with the defendants' arguments for milder sentences.

The New Mexico Attorney General appealed the decision to the State Supreme Court, and the Court has agreed to consider the appeal. Attorneys for the Governor's office filed legal briefs with the High Court detailing the clear legislative and policy intent of the laws, and arguing the Appeals Court decision impinges on Executive and Legislative authority.

"The courts should not reverse the will of the people on a technicality," said Governor Richardson. "My intent, and the intent of the legislature, overwhelmingly supported by the people of New Mexico, was clearly to strengthen penalties for DWI offenders and make our roads safer."

The Governor's Office and the Legislative Council Service sought, and received permission from the Supreme Court to file a combined Amicus, or "Friend of the Court", brief.

This year the Legislature passed, and the Governor signed, laws that clearly reinstate the tougher DWI penalties. The effort to reverse the Appeals Court ruling will continue because the Attorney General, Governor, and Legislature want the Supreme Court to uphold the original sentences of the San Juan County defendants, and any other DWI offenders sentenced under the 2003 laws.

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