



## **Governor Bill Richardson Commutes Remainder of Janet Vigil's Sentence**

**Vigil will be released after 15 years in prison, now must abide by strict,  
out of state parole**

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SANTA FE- Governor Bill Richardson announced today that he has commuted the sentence of Janet Vigil, who in 1989 was convicted of murdering her husband, Estevan Vigil on March 22, 1988. The Governor's action means that Vigil will be released, under strict conditions, once parole details can be worked out.

The Governor considered several important factors that formed the basis for Ms. Vigil's petition for clemency: allegations of domestic violence throughout her marriage to Estevan Vigil, the effectiveness of Ms. Vigil's legal representation, and a comparison of Ms. Vigil's sentence to those of other men and women convicted of intimate partner homicide. In addition, newly disclosed statements tend to corroborate Ms. Vigil's trial testimony about certain facts regarding allegations of domestic violence that led up to the shooting.

"I recognize the tragedy of Mr. Vigil's death and understand the sorrow his family has endured," said Governor Richardson. "My decision is not a reflection upon his memory or character, but is the result of an intense investigation, including new evidence not presented during the trial, that tipped the scales of justice in this particular case."

"Let me make it clear, Ms. Vigil has been granted a commutation of her sentence to time served, not a pardon. She must serve the balance of her parole following strict constraints and requirements. She must also abide by the legal restrictions that face every convicted felon."

At the Governor's request and out of respect for Estevan Vigil's family, Janet Vigil has agreed to serve her parole out of state. Once she is accepted for out of state parole supervision, she will be released from custody. If Ms. Vigil violates the conditions of her release, parole may be immediately revoked by Governor Richardson.

The Governor concluded:

- Janet Vigil has served nearly 15 years in prison, and has paid her debt to society. The Governor's staff reviewed the results of New Mexico murder cases from 1993 to 2000 in which males killed their female intimate partners. Only 25% of those cases resulted in a life sentence. The remaining 75% resulted in an average sentence of 11 years, with the usual release occurring after approximately half of that sentence was served. Typically, the total time served was only 5 or 6 years. Janet Vigil has already served nearly three times the average total prison time served by men convicted of a similar crime,
- Newly disclosed statements tend to corroborate Ms. Vigil's trial testimony about certain facts regarding allegations of domestic violence that lead up to the shooting. Both families referenced instances of violence in the household. The Governor and his staff reviewed voluminous court records, medical records, and witness statements. According to medical records, throughout a variety of hospital visits spanning the marriage, Ms. Vigil never attributed any injuries to domestic violence. Yet, this is often typical of domestic violence cases where patterns clearly emerge from the medical records,
- Questions continue to surround the appropriateness of her attorney's legal strategy and whether Ms. Vigil was given the opportunity to fully consider a plea bargain. Unfortunately, certain procedural issues about the prosecution cannot be answered since the District Attorney's file is missing. Other components of the case remain incurably contradictory, and
- Finally, Ms. Vigil has no prior criminal history and there is a strong consensus that she does not present a threat to the safety of the community.

Prior to making his decision, The Governor took into consideration witness statements and medical records provided by both families including some records that had not been presented to a jury, previous governors, or the New Mexico Supreme Court. The Governor personally participated in ten meetings with Ms. Vigil, the families, advocates and Governor's staff. Governor Richardson and First Lady Barbara Richardson personally interviewed Janet Vigil, and met twice with Estevan Vigil's children and his extended family. The Governor also met with Ms. Vigil's children, and presided over four staff meetings which included his Crime Advisor and former Bernalillo County District Attorney Bob Schwartz, Chief Legal Counsel Geno Zamora, Administrator of Pardons and Paroles, Nat Chakeres, and Domestic Violence Czar Sandra Gardner. The Governor's staff also met with family members and representatives of different advocacy groups who both support and oppose executive clemency.

"In this case, I believe Ms. Vigil's release from prison is the right thing to do and will serve to provide some measure of balance in our criminal justice system," said Governor Richardson. "The nature of this difficult and emotional case has reinforced my resolve to

address the dilemmas facing many families in New Mexico by providing treatment and programs preventing the tragedy of violence in our families.”

Here is the complete statement from Governor Bill Richardson regarding his decision:

“Over the last several months, I have been faced with the consideration of executive clemency for Janet Vigil. In 1989, Ms. Vigil was convicted of murdering her husband, Estevan Vigil, and was sentenced to life in prison. My decision regarding Janet Vigil’s future not only affects two families, but also the many New Mexicans whose lives have been devastated by murder and domestic violence. Truthfully, this is one of the most difficult decisions I have made.

As Governor, my position on dealing with violent crime has been clear and consistent- I support strong laws, tough penalties, and personal accountability for criminals. I have established statewide coordinators to ensure that those convicted of DWI, drug offenses, sex crimes against children, and other violent crimes are prosecuted to the fullest extent of the law.

I am also a strong advocate for the rights of the victims of violent crime, including domestic violence. I created the Governor’s Office of Victim’s Advocacy and appointed a Domestic Violence Czar to give victims a voice in the criminal justice system, and to make sure their rights are not trampled in the process.

The Executive Clemency process requires that I fully examine the case- the crime, the criminal justice process, the sentence, and time served- to ensure to the best of my ability that the scales of justice are in balance.

Today, after fully considering the facts presented by Janet Vigil’s family, Estevan Vigil’s family, and a number of advocates on both sides of this case, I have concluded that it is an appropriate exercise of my constitutional powers of clemency under these unique circumstances to commute Janet Vigil’s life sentence to the fifteen years that she has served.

I recognize the tragedy of Mr. Vigil’s death and understand the sorrow his family has endured. My decision today is not a reflection upon his memory or character, but is the result of an intense investigation that tipped the scales of justice in this particular case.

Let me make it clear, Ms. Vigil has been granted a commutation of her sentence to time served, not a pardon. She must serve the balance of her parole following strict constraints and requirements. She must also abide by the legal restrictions that face every convicted felon.

At my request and out of respect for Estevan Vigil’s family, Janet Vigil has agreed to serve her parole out of state. Once she is accepted for out of state parole supervision, she will be released from custody. If Ms. Vigil violates the conditions of her release, parole may be immediately revoked.

I respect the New Mexico Supreme Court’s previous affirmation of Ms. Vigil’s conviction and sentence, as well as the decision of two former Governors to deny Ms. Vigil’s petition. However, new evidence has been presented that was not available during the trial or to my predecessors. In addition, this process requires that I consider several other factors that form the basis for Ms. Vigil’s petition: allegations of domestic violence throughout her marriage to Estevan Vigil, the effectiveness of Ms. Vigil’s legal

representation, and a comparison of Ms. Vigil's sentence to those of other men and women convicted of intimate partner homicide.

My conclusions are as follows:

1. Janet Vigil has served nearly 15 years in prison, and has paid her debt to society. My staff has reviewed the results of New Mexico murder cases from 1993 to 2000 in which males killed their female intimate partners. Only 25% of those cases resulted in a life sentence. The remaining 75% resulted in an average sentence of 11 years, with the usual release occurring after approximately half of that sentence was served. Typically, the total time served was only 5 or 6 years. Janet Vigil has already served nearly three times the average total prison time served by men convicted of a similar crime,

2. Newly disclosed statements corroborate Ms. Vigil's trial testimony regarding allegations of domestic violence that led up to the shooting. Both families referenced instances of violence in the household. My staff and I reviewed voluminous court records, medical records, and witness statements. According to medical records, throughout a variety of hospital visits spanning the marriage, Ms. Vigil never attributed any injuries to domestic violence. Yet, this is often typical of domestic violence cases where patterns clearly emerge from the medical records,

3. Questions continue to surround the appropriateness of her attorney's legal strategy and whether Ms. Vigil was given the opportunity to fully consider a plea bargain. Unfortunately, certain procedural issues about the prosecution cannot be answered since the District Attorney's file is missing. Other components of the case remain incurably contradictory, and

4. Finally, Ms. Vigil has no prior criminal history and there is a strong consensus that she does not present a threat to the safety of the community.

Prior to making this decision, I took into consideration witness statements and medical records provided by both families including some records that had not been presented to a jury, my predecessors or the New Mexico Supreme Court. I personally participated in ten meetings with Ms. Vigil, the families, advocates and my staff. The first lady and I personally interviewed Janet Vigil. I met twice with Estevan Vigil's children and his extended family. I had a meeting with Ms. Vigil's children and four staff meetings which included my Crime Advisor and former Bernalillo County District Attorney Bob Schwartz, my Chief Legal Counsel Geno Zamora, my administrator of Pardons and Paroles, Nat Chakeres, and my Domestic Violence Czar Sandra Gardner. My staff also met with family members and representatives of different advocacy groups who both support and oppose executive clemency.

In this case, I believe Ms. Vigil's release from prison is the right thing to do and will serve to provide some measure of balance in our criminal justice system. The nature of this difficult and emotional case has reinforced my resolve to address the dilemmas facing many families in New Mexico by providing treatment and programs preventing the tragedy of violence in our families."