Administrative Office of the Courts

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SANTA FE – Administrative Office of the Courts Director Artie Pepin today issued the following statement regarding New Mexico's system for the pretrial release and detention of people charged with a crime.

"What happened to Victoria Martens is horrific and all New Mexicans want justice in this case. In every case, a judge's responsibility is to follow the law – not be swayed by emotion or public sentiment. Judges take seriously their obligation to protect public safety in deciding whether people charged with a crime should be held in jail or remain free until their guilt is determined at trial. In America, people are presumed innocent until proven guilty of a crime. By allowing a person to remain free while awaiting trial, we as a society avoid punishing someone awaiting a determination of guilt – a fundamental principle of our justice system.

"What the public hears or reads in news accounts about a crime represents only part of the story. Judges, in contrast, must weigh all the facts presented to the court and apply the law fairly and impartially. Judge Charles Brown last week carried out his responsibilities under the law in considering whether to release Fabian Gonzales, who has remained in jail for three years awaiting trial. The judge ruled that prosecutors failed to prove the defendant is so dangerous that only continued pretrial detention would protect the community. If the district attorney believes the judge erred, he can seek an expedited appeal. The courts are ready to provide the prosecutor and defendant the opportunity to determine at trial whether Mr. Gonzales has criminal responsibility in the horrific murder of Victoria Martens."

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