

**Sixth Judicial District Attorney
State of New Mexico
Norman R. Wheeler**



To: Sixth DA Attorney Staff

We work together. Be prepared to help and don't hesitate to ask for help. Foster a positive supportive relationship within the office.

Your law license is your individual property which allows you to practice law, treat it accordingly as you make decisions. When you allow others to direct you to take inappropriate positions you risk losing your license and/or being punished. Conduct yourself under the "code of ethics", including "In Re Himmel." Be impeccably honest. Conduct yourself with integrity. If you believe I have asked you to do something that might put your license in jeopardy, please discuss it with me so we can resolve it.

We work for the community. Our responsibility is to understand, represent and protect the community. Return all phone calls by the end of the day.

Understand and comply with the Crime Victims Act. Make sure all hearings are set with the appropriate time limits, so victims have the opportunity to attend. Make sure all victims are aware of court hearings. When hearings are continued, please make sure victims are notified.

Develop a strong working relationship with law enforcement and service agencies.

Understand the treatment options that are available. Consider these options when cases are being resolved.

- We are reversing the policy of no LEO in the office.

We are going to make mistakes, own them, learn from them, don't repeat them, don't make excuses. NEVER tell me something that is not true. At some time, I may be put in a position to respond, and I need to be able to rely on what you are telling me.

CASES:

We are reinstating the policy of approving felony charges and search warrants prior to them being filed. If you are on call discuss cases with LEO and ensure the evidence is going to show what is needed to proceed through trial. If a 5-409 .

motion is needed, make sure YOU are conveying that within the office so it can be filed.

ASSIGNED CASES:

- Be in control of your cases. Do not blame support staff for problems.
- Be prepared for all hearings. Show up early to court.

- Prior to making an offer on a case:
 - I. Seek input of law enforcement and victims concerning their position and expectations.
 - II. Get all plea offers approved prior to making offer.
- Unless 5-409 hearing, make offers prior to prelim;
 - I. Do not reduce drug trafficking;
 - II. Do not reduce FIP charges; and,
 - III. Do not reduce domestic violence charges.
- Pursue enhancements, both convictions and firearm. Impose enhancements first in sentencing, then impose the underlying charge
- Pursue 5-403 motions and Petition to Revoke motions. At the first appearances on PTR be prepared to inform the court of the potential sentence.

- Discovery/disclosure on cases:
 - Disclose evidence promptly; if something is missing contact LEO and tell them what specifically is needed, don't just dismiss a case without informing Law Enforcement what is missing.