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**Bennett J. Baur**  
**Chief Public Defender**

April 14, 2020

FOR IMMEDIATE RELEASE

## State Public Defender's Office petitions for emergency prisoner release effort

SANTA FE, NM — The New Mexico Law Offices of the Public Defender today filed an emergency petition to the New Mexico Supreme Court in an urgent effort to prevent the coronavirus from killing New Mexicans incarcerated at state prisons and spreading to the communities of prison employees.

The LOPD joined with the American Civil Liberties Union of New Mexico and the New Mexico Criminal Defense Lawyers Association in asking the court to order a full analysis of the prison system roster in order to release as many inmates as safely possible, by use of a special master if necessary. The petition can be found [here](#).

“Doing nothing guarantees an outbreak of COVID-19 that is certain to spread to neighboring communities,” said LOPD Appellate Defender Kim Chavez-Cook. “Safely reducing prison populations so inmates and staff can protect themselves from infection is a constitutional and moral obligation.”

Prisons and jails around the nation and world have become hotbeds for coronavirus spread, which favors the close social contact and hard surfaces that epitomize prison life. While at the writing of this petition, there were no positive COVID-19 tests in a New Mexico prison (there were several positive tests in county jails), that could change at any second. Once it does, there is no turning back, only certain and rapid spread among inmates, guards and then into the community as guards return home.

“There are people held in our prisons who can be safely released back to our communities,” Chief Public Defender Bennett Baur said.

They include those who are serving sentences for violating technical probation and parole rules, those with medical conditions that qualify as CDC risk factors, those with less than one year of a sentence left, those who are pregnant, those incarcerated for nonviolent offenses, and others.

“We aren’t jeopardizing public safety with this, we are protecting it. Our hope is to convert any sentence into supervised release or community corrections, so this is not a get out of jail free card,” Baur said.

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