

**State of New Mexico  
Corrections Department**

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**“We commit to the safety and well-being of the people of New Mexico by doing the right thing, always.”**

Press Release

July 12, 2012

Re: NMCD Statewide Audit

“There have been a few early and late releases of inmates. We want the people of New Mexico to know this is not acceptable to the New Mexico Corrections Department.”

-Deputy Secretary Joe Booker  
New Mexico Corrections Department

“We will ensure sentence calculations are done correctly, not only for public’s safety’s sake but also to save tax payer dollars.”

-Deputy Secretary Joe Booker  
New Mexico Corrections Department

New Mexico Corrections Department Deputy Secretary of Operations Joe Booker ordered a statewide audit of inmate records. Starting Monday July 16<sup>th</sup>, NMCD will begin a review of every inmate’s files. There are approximately 6,600 NMCD inmates at any given time. A statewide training is also ordered to begin on the same day date.

The statewide audit inspected to take between 3 and 6 months.

The New Mexico Corrections Department is also working on a bill that we plan to introduce this next legislative session to make the process of computing incarceration time more streamlined and effective. The bill will focus on calculating good time at the beginning of a prison sentence instead of quarterly. This reduces the chances of human error miscalculations.

“Calculating inmate incarceration time is very complex. Our staff works very hard at making sure inmates serve the amount of time ordered by the court. However, like with anything else, there is always the possibility of human error and we are working to eliminate that.”

-Cathleen Catanach  
Records Bureau Chief  
New Mexico Corrections Department

The complexity of inmate cases is a major challenge. For example, one case can have several court orders, cases that are merged, sentences that are concurrent or consecutive cases.

One of the many difficulties that lead to human error in computing incarceration time is that there are different ways of computing times within the state. There are 5 different good times laws in the state of New Mexico. Sentencing laws are also different per case and severity or type of crime and there are different terms of imprisonment and parole terms based on the type of crime or the date of the crime.

Background information:

**Offender Rachel Ruiz was at New Mexico Women’s Correctional Facility**

- Investigation Complete
- Rachel Ruiz had come back to prison as a probation violator
- Found out June 27, 2012
- Ruiz should have discharged April 27<sup>th</sup>
- Ruiz had already completed her parole time
- Instead Ruiz was placed on in-house parole on April 27, 2012
- Ruiz was finally paroled on May 24<sup>th</sup>

- Investigation found: Human error/Poor oversight
- We hope CCA will take disciplinary action against employees responsible

**Offender Don Gutierrez (DOB 3/21/78) was at Southern New Mexico Corrections Facility**

- The Don Gutierrez investigation is complete
- No malicious wrongdoing was
- Investigation found: Gutierrez was released approximately two years early
- Human error/Poor oversight
- Employee or employees responsible for this error will be disciplined
- Gutierrez was released from Southern New Mexico Correctional Facility on 12/7/11.
- He did not report to Probation and Parole Office in Albuquerque the next day (12-8-11)
- Probation and Parole issued an Arrest & Hold for Gutierrez.
- On 5/2/12, the Bernalillo District Attorney's Office informed the New Mexico Corrections Department that Gutierrez should not have been released
- Gutierrez' probation had been revoked for another case he had pending.
- Gutierrez was arrested for new charges of residential burglary on February 18, 2012
- Gutierrez was in custody at the Metropolitan Detention Center
- On 5/2/12, Gutierrez was transferred from MDC to the Central New Mexico Correctional Facility in Los Lunas

**Offender William Colbert #72386 was at Southern New Mexico Corrections Facility**

- Colbert was discharged on June 20, 2012
- Colbert should have been discharged December 30, 2012
- Released 6 months past release date
- Office of Professional Standards is still investigating
- So far we found there were 5 Judgment and Sentences in Colbert's file- making difficult to difficult to calculate release date
- Employees responsible will not disciplined until investigation is complete

Attached are the mug shots. Please let me know if you have any questions.

### **Criminal Records for Early and Late Release Inmates**

#### **William Colbert**

Received on 9-1-2010 - CR-2008-0552; CR-2008-4231 (Bernalillo County)

Charges: False Imprisonment (Habitual Offender); Battery on a Household Member (4cnts.); Battery; Criminal Damage to Property

Sentenced to 912 days.

(Placed on probation for this case # - 10-7-2009; 12-3-2009; 6-2-2010 - 8-25-2010 probation revoked and sentenced to prison.

#### **Rachel Ruiz**

Received 1-28-2004 - D-307-2003-0772 (Dona Ana County)

Charge: Acquisition or Attempt to Acquire a Controlled Substance by Misrepresentation (HO)

Sentenced to 1 year

Parole 4-24-2005

Received on 12-2-2006 - Probation Violation -D-307-CR-2003-0772

Acquisition or Attempt to Acquire A Controlled Substance by Misrepresentation

Sentenced to 2 years, 2 month & 27 days

#### **Don Gutierrez**

Received 1-21-1998

#### **Cause No. 97-D-1329-CR-283 (Sandoval County)**

Residential Burglary (4cnts.) 18 months (3 years on 4 cnts. ,CS, all suspended except for 18 months)

Paroled: 10-7-1998

Returned as PV: 3-30-1999

Discharges this sentence: 8-27-1999

#### **CR-97-0392 (Bernalillo County)**

Residential Burglary; Aggravated Burglary (Armed after entering)

9 years (Sentenced on 5-17-1999 to run CC with 97-D-1329CR283)

Paroled: 5-11-2005

Returned as PV: 1-3-2006

Completes this term: 9-26-2006

Criminal Background:

**Cause No. CR-00-1679 - CR-00-1680 (Bernalillo County)**

Possession of a Firearm by a Felon; Bring Contraband (Cocaine) into BCDC Jail

4 Years (Sentenced on 6-1-2000 to run CC CR-97-03927)

Completed this term: 4-3-2003

**Cause No. 2000-1679; CR-2000-001680 (Probation Violation)**

Arrives: 2-20-2008

Sentenced to 909 days

Completed sentence: 4-11-2009

**Cause No. CR-2007-04955; CR-2007-3264 (Bernalillo County)**

Aggravated Burglary (HO)

4 years (9 yrs. plus 4 yrs. HO, 9 years suspended) (Sentenced on 5-15-2008)

Paroled: 2-16-2010

Returned as PV: 6-14-2010

Discharged Sentence: 12-7-2011

**CR-07-4955 (Bernalillo County)**

Probation Violation

Sentence 7 years - Sentenced on 11-8-2010

currently serving

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**C**ourage **R**esponsibility **E**thics **D**edication - **CRED**ibly serving the public safety of New Mexico  
*"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always."*