



**Third Judicial District Attorney  
State of New Mexico**

SUSANA MARTINEZ  
District Attorney

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January 11, 2009

Scott Forrester  
1301 San Pedro NE  
Albuquerque, NM 87110

RE: Written requests to inspect and copy records

Dear Mr. Forrester:

This office has received two (2) letters from you requesting the inspection and copying of records pursuant to the Inspection of Public Records Act (hereinafter "IPRA"), NMSA 1978 Section 14-2-1, et seq. (as amended through 2005). The letter was received on January 6, 2009 at 3:40 p.m. This response is being sent in three (3) days as required by the IPRA as NMSA 1978, Section 12-2A-7(E) sets out that "if the period of time is less than eleven days, a Saturday, Sunday or legal holiday is excluded from the computation."

Your letters request a number of different documents. Each letter indicates that you "agree to pay any reasonable copying and postage fees of not more than \$100." The IPRA (§14-2-9) allows a charge of \$1.00 per page to be paid in advance. This charge will be required for each document requested. The documents you have asked are voluminous and the cost will far exceed \$100.00.

As to each specific request in the letters, please allow me to inform you of the following:

1. Request: All Oaths of Office of Assistant District Attorneys and Deputy District Attorneys sworn in service from 1997 to present.

Response: These records are maintained in individual files related to the employees. There have probably been seventy-five (75) attorneys working for this office since 1997. A charge of \$1.00 per page, paid in advance, will be assessed for each of these documents.

2. Request: All annual itemized budgets for the Third Judicial District Attorney's Office from 1997 to the present.

Response: The General Records Retention and Disposition Schedules (hereinafter GRRDS) provides that such records need to be retained only for three (3) years after the close of the fiscal year. Therefore, the budgets are only available for the past three (3) fiscal years. Each budget document is approximately fifty (50) pages in length. A charge of \$1.00 per page, paid in advance, will be assessed for each of these documents.

3. Request: All contracts and invoices paid by the office from 1997 to the present.

Response: These records are also retained pursuant to the GRRDS for only three (3) years. Approximately fifty (50) such documents are generated for each month of a fiscal year. Therefore, there will be approximately eleven hundred (1100) documents for each of the last three (3) fiscal years. A charge of \$1.00 per page, paid in advance, will be assessed for each of these documents.

4. Request: Travel and expense reports submitted by the District Attorney from 1997 to present.

Response: These records are included in the request for all contracts and invoices. Again, the records are retained only for three (3) years.

5. Request: Copies of any open records requests that have been made to the Third Judicial District Attorney's Office from 1997 to present.

Response: There has been one (1) request made in the last year. The GRRDS provides that these documents be retained only until the request is fulfilled or for one (1) year if the request is denied. The requested material that was available from this office was provided and the requester was referred to other agencies regarding additional documents requested.

6. Request: A list of all cases, both misdemeanor and felony, handled by the Third Judicial District Attorney's Office from 1997 to the present, including: case number, charge, date that the charge was filed, final disposition, and whether the final disposition was the result of a plea agreement.

Response: No such list exists. The information requested is contained in a number of separate documents including the Grand Jury Indictment, Criminal Information, Criminal Complaint, Plea and Disposition

Agreement and Judgment and Sentence or other final document. Each file will contain at least two (2) of these documents. Almost every document is at least two (2) pages in length and most are longer. This office handles more than four thousand (4000) cases each year. A charge of \$1.00 per page, paid in advance, will be assessed for each of these documents.

7. Request: Any Plea and Dispositions for the felony cases entered into by the Third Judicial District Attorney's Office from 1997 to the present.

Response: This information is included in the request directly above. Again, this office handles more than four thousand (4000) cases each year. A majority of the cases are resolved by plea agreement. Each Plea and Disposition Agreement is at least three (3) pages in length. A charge of \$1.00 per page, paid in advance, will be assessed for each of these documents.

As you can see, the requests you have made involve voluminous documents kept in approximately 48,000 separate files. The request is excessively burdensome. It is impossible to comply with your requests within the fifteen (15) days set forth in the IPRA. It will require several months to gather the requested information, determine the number of pages so that you can be billed in advance, and only then make copies of the thousands of pages you have requested.

Please respond in writing regarding whether you wish to continue to pursue this request in light of the information provided above.

Sincerely,



Susan M. Riedel  
Chief Deputy District Attorney