

District Attorney Renteria and the Drug Trafficker

Frost McGahey, Investigative Journalist

On March 20, 2020, Paul Collins was speeding down Hwy. 180 when he was stopped by a Silver City Police Officer. He had been doing 90, but when the officer caught up to him, he was doing 42 in a 35 mph zone. During the stop, the officer found methamphetamine. Collins also had no insurance and no registration and was also charged with DWI.

Collins had been under surveillance for a month by a drug task force agent. The agent had been driving to Collins's home to investigate drug activity when he spotted Collins leaving and turned around to follow him to Hwy 180. As Collins was driving so fast, the agent couldn't keep up with him as he was in an unmarked car. He called Silver City Police to warn them that Collins was driving recklessly.

Since Collins had been convicted of trafficking a controlled substance in 2007, he was originally charged in this case with a second offense of drug trafficking with intent to distribute. A second offense is a 1st degree felony with a mandatory 18 year prison sentence if convicted, and that's how deputy district attorney Norm Wheeler charged him.

In the past the New Mexico legislature considered drug trafficking so serious that a second conviction for that offense required an automatic 18 year sentence.

When Michael Renteria won the Democratic Primary against Norm Wheeler with no Republican in the general election, he became the District Attorney for the 6th Judicial District, and Wheeler left to work for the 8th Judicial District.

Renteria's office decided not to go to trial on the Collins's case and agreed to change the plea from a second offense to a first offense (no mandatory jail sentence). The penalty on a first offense ranges from probation to 9 years in jail. The first offense charge allowed the court to ignore his prior conviction. Collins pled guilty to trafficking by possession with intent to sell and received 9 years with credit for time served.

Collins could have requested a jury trial. When cases are not going to trial, it is because the offer extended by the prosecutor is less than the sentence which would have been imposed by a judge if convicted at trial.

Renteria's office also agreed to allow Collins to argue for probation rather than prison. Collins's attorney did so claiming he was rehabilitated and a good example to others. Judge Stewart didn't agree and sentenced Collins to the full 9 years allowed by the pleas agreement presented to the court.

When asked to comment on this case, Norm Wheeler, the former prosecutor, said, "Renteria's office failed by not going to trial. This is a repeat drug dealer who should have been sentenced to 18 years for all the misery that he's

caused. Instead, because he's entitled to good time credit, he will serve at most only 4 1/2 years.

The DA's office doesn't want to lose trials, so they don't do them. Consequently, first offense Trafficking charges are being pled down to *attempted trafficking* and second offense Trafficking charges are being pled down to *First offense* charges to avoid going to trial. Bad guys are back on the street before they should be," Wheeler concluded.

See Criminal cases plummet under District Attorney Michael Renteria.

https://www.grantcountybeat.com/index.php?option=com_content&view=article&id=82621:criminal-cases-plummet-under-district-attorney-michael-renteria&catid=7

<https://coa.nmcourts.gov/wp-content/uploads/sites/43/2024/03/March-6-2024-State-of-New-Mexico-v.-Paul-Collins-No.-A-1-CA-39979.pdf>

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