



Written by [Joe Wolverton, II, J.D.](#) on January 27, 2012

## N. Mex. Man Spends Two Years in Solitary Confinement for DWI

A [story run by the NBC television affiliate in Dallas](#) reports:

Stephen Slevin was arrested in August of 2005 for driving while intoxicated, according to NBC station KOB.com. He said he never got a trial and spent the entire time languishing in solitary, even pulling his own tooth when he was denied dental care.

"[Prison officials were] walking by me every day, watching me deteriorate," he said. "Day after day after day, they did nothing, nothing at all, to get me any help."



Slevin said he made countless requests to see a doctor to get medication for his depression, but wasn't allowed to see one until only a few weeks before his release. He also never got to see a judge.

In his lawsuit, Slevin made several similar complaints of "deplorable conditions" of the jail, as well as institutional maltreatment on the part of the officers and staff who work there.

The multi-million dollar judgment awarded Slevin by a jury in federal district court is reportedly "one of the largest prisoner civil rights settlements in U.S. history."

"I wanted people to know that there are people at The Doña Ana County Jail that are doing things like this to people and getting away with it," Slevin told reporters.

As a result of his ordeal at the Doña Ana County Jail, Slevin claims to be suffering from Post Traumatic Stress Disorder (PTSD) and anticipates needing medical treatment for that condition for the rest of his life.

Slevin's story is a shocking one, and his punishment certainly seems not fit to the crime. However, in an interview with *The New American*, Doña Ana County Public Information Director Jess Williams refused to comment beyond a statement released by his office which paints a very different picture of the county jail, as well as Slevin's treatment while detained there. Williams asserts that Slevin

was deemed a threat to himself upon intake to the detention center and was observed for three days in a special cell in the medical wing for his own protection. After his condition stabilized, he was kept in the medical wing for an additional three weeks for observation.

Williams goes on to explain that after the initial observation period, the Sheriff's Department offered Slevin the chance to join the "general population" and be confined in a regular cell block with a recreation room available. Williams claims that Slevin rejected that offer to join the other inmates and that he was therefore placed in one of the cells that are segregated from the general prison population.



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Contrary to Slevin's claim of disregard on the part of medical and dental health providers, Williams states that Slevin "regularly requested and received medical attention."

Furthermore, after about five months, Williams says, Slevin stopped requesting those services and would often refuse to leave his cell for any reason, including exercise or recreation.

In his statement, Williams points to Slevin's prior criminal history as evidence that the case was hardly as one-sided as the enormity of the award for damages would suggest. Williams writes:

Slevin was in the Doña Ana County Detention Center on charges of aggravated DWI, driving on a suspended license, open container in the vehicle, multiple outstanding traffic violations and receiving or transferring stolen property. He had an extensive criminal history from other jurisdictions with multiple convictions on charges of both aggravated DWI and DWI, as well as multiple convictions for receiving stolen property, firearm infractions, possession of controlled substances, probation violations, robberies, burglaries and possession of burglary tools, criminal mischief and damage to property. He had previously served time in a Florida prison. His criminal history at the time of his arrest was 26 pages in length.

Finally, as to why prison officials and the Doña Ana County Sheriff's Department (although it does not directly operate or supervise the Detention Center) would hold a man arrested for DWI for two years in segregation, Williams points to the refusal of Slevin to be placed in a cell in the general prison population and to the fact that

no one on the Doña Ana County Detention Center management team had any authority to release him without a judge's orders. His length of stay in the facility was entirely in the hands of the Third Judicial District Attorney's Office, his court-ordered defense attorney and the Third Judicial District Court.

Speaking jurisprudentially, Williams is correct. A sheriff is responsible for executing and enforcing the law, not judging the proper application thereof or making his own assessments as to whether sentences handed down by a court of competent jurisdiction are of an appropriate length.

Moreover, if Williams's claims that Slevin refused to be transferred to another cell are correct, then the question one must ask is whether a prison official is responsible for disregarding an inmate's will and for forcibly placing that inmate in with other prisoners so that future charges of misconduct can be obviated.

Finally, with regard to the headline-grabbing decision handed down against it, [Doña Ana County declares](#) that it is

appealing the Slevin judgment and believes it has strong legal issues on which to base the appeal. In the meantime, it's critical that the public, the family of detainees and the media understand that the conditions of the facility are constantly monitored for cleanliness and professional, humane treatment of each detainee.

In a statement made to KOB.com, Stephen Slevin's attorney, Matt Coyte, said: "I have never been with or seen a braver man who stood up to these guys for what they did to him.... [This case] affects everybody and it's not good for this country. It's not good for Mr. Slevin for sure and it's not good for this country. It has to stop."

The [official record of the legal proceedings](#) held in the case of Slevin reveal a less shocking sequence of events than Coyte describes, however.



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For example, after having been arrested in August 2005 on two felony charges (driving a stolen vehicle and aggravated DWI) and three misdemeanors (driving on a suspended license, having an open container of liquor in the car, and improper use of registration), Slevin was indicted on those charges on September 8, 2005.

After pleading not guilty to the charges at the arraignment held on September 19, 2005, Slevin was appointed a public defender and his trial was originally set for March 16, 2006.

Thereafter, the judge in the case granted the state's motion to extend the time to commence trial. Finally, after several procedural delays, a trial on the merits of Slevin's criminal charges was scheduled to be held on July 13, 2006.

Not so fast. On July 11, 2006, Slevin's court-appointed attorney, Lara Smalls, submitted a motion to determine her client's competency to stand trial. This motion was granted by the court and after another extended rash of procedural delays, on January 24, 2007, the judge in the case entered an order ruling that Slevin was incompetent to stand trial and that he was to be committed to the New Mexico Behavioral Health Institute for a determination of dangerousness.

Finally, after being judged incompetent to stand trial, but posing no danger to himself or others, a release order was issued on June 22, 2007 to the Doña Ana County Detention Facility and the charges against Slevin were officially dismissed without prejudice (meaning they could be brought again at a later date).

A careful and educated reading of the record reveals that the extraordinary length of Slevin's confinement appears to be due less to the negligence of the jail or law enforcement than to the inordinate number of delays and postponements brought about by his own counsel and the district attorney.

An interesting coda in the official record of Slevin's legal proceedings reveals that the state of New Mexico is allowed to proceed with involuntary commitment proceedings under [an applicable state statute](#).

*Photo of Stephen Slevin: AP Images*



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