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Preventable Murder of New Mexican Woman

Unfortunately, judges sometimes issue family violence protective orders without checking these critical boxes, either because they erroneously believe the restrained party does not present a credible threat or due to clerical error. The recent murder of a New Mexico woman is a salient example of this problem. In August 2023, a young woman filed a 15-page petition for an order of protection from domestic abuse stating that her ex-boyfriend was a credible threat to her physical safety because he “has physically assaulted [me], threatened to kill myself, my child, family members and friends.” In her petition, the woman stated that her ex-boyfriend “was on a mission to kill [her].” She detailed an incident in which her ex-boyfriend held a gun to her head and hit her on the head with the gun. The woman wrote in her petition that her ex-boyfriend had several knives and guns and requested that the judge find him “to be a credible threat and be required to deliver any firearm in [his] care, custody, or control to a law enforcement officer or federal firearms licensee.” Despite allegations of violence in the petition and a request for the surrender of firearms, the judge who issued the woman a protective order did not check the box finding that her ex-boyfriend was a credible threat and did not order him to surrender his firearms.¹¹³