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Murder Shouldn't Be Game of Beat the Clock

Justice for taking a life should not be an all-or-nothing race against the clock. Yet in New Mexico, if the charge is anything less than first-degree murder, that's exactly what it is.

So point a handgun and empty it at your frail and disabled husband, then dump his body in a hole in the backyard and pour a concrete slab over it. Bide your time and hope six years pass before anyone gets wise. Then kiss second-degree murder charges goodbye.

Welcome to the deal Ellen Snyder cut with prosecutors.

Snyder is serving a paltry 11 years for killing her husband, Mike, after racking up \$475,000 in debt, then firing eight bullets from a borrowed gun at him. She was able to plead down to voluntary manslaughter because the statute of limitations had run out on everything she was charged with except for first-degree murder.

New Mexico's bar for first-degree murder is rightly a high one. It requires prosecutors to prove beyond a reasonable doubt the killing was premeditated or committed during the commission of a felony. Do that, and there is no statute of limitations on justice. But with Snyder, prosecutors hedged their bets and took 11 years rather than risk getting nothing. But nothing is what Mike's family felt about the justice that was delivered.

State Rep. William "Bill" Rehm, R-Albuquerque, wants to change that for the families of victims going forward.

Rehm says he will introduce legislation this session to scrap the six-year statute of limitations for second-degree murder and increase the time underlying conspiracy and tampering with evidence charges can be prosecuted. It's not an unprecedented move — back in 1997 lawmakers eliminated the statute of limitations for first-degree murder.

And it's a move lawmakers need to make to ensure justice for taking a life in New Mexico is no longer reduced to a game of beat the clock.

Family Stung by Plea Deal in Killing

Joline Gutierrez Krueger / Journal

A year ago almost to the day, the relatives of a slain man sat down with me to talk about their fears and growing ire over the possibility of a plea deal that would set the man's killer free far too early.

Anything short of eternity was too early for them.

"I don't think second-degree murder is full justice," Teri Johnson, the man's sister, said then, believing as they all did that the evidence piled up against her brother's wife, Ellen Snyder, since he disappeared in January 2002 was more than enough to prove it was a first-degree willful and deliberate murder.

A cold-blooded and calculated murder. Mike Snyder, a 43-year-old frail and disabled master mechanic, had been shot several times and buried with a backhoe in the backyard of the \$400,000 home he built in North Albuquerque Acres, his grave covered over with a concrete slab, his wife covering over his disappearance with tales that he was abusive, gay and still alive.

The family knew the marriage had been trouble, that Ellen had been trouble.

Ellen, a hulking woman with a history of more than 30 forgery convictions, had run the couple's finances into the ground, amassing a \$475,000 debt among more than 20 creditors, court records showed.

Mike, weakened and in pain from the multiple sclerosis he had been diagnosed with the summer before he disappeared, had grown tired of the arguing. He had started taking some of



Sisters Teri Johnson, from left, and Laura Bowman stand beside their mother, Allene Snyder, to give a

his possessions to his mother's house and to the family cabin at Elephant Butte. He had started sleeping in the

statement to the media Tuesday after the sentencing of Ellen Snyder, the woman accused of killing their brother, Mike Snyder, and burying his body in the backyard of his Northeast Heights home in 2002. (Pat Vasquez-Cunningham/Journal)

den, leaving Ellen alone in the master bedroom until she borrowed a gun from a co-worker and fired all eight bullets, enlisting her then-teenage son from a previous marriage to help her bury the body and entreating him to not call 911.

No, second-degree murder was not full justice.

But neither was it part of the plea agreement that eventually came despite the family's protests.

In May, Ellen Snyder, 52, pleaded guilty to voluntary manslaughter.

Had she been convicted of all the charges she had been indicted on, she would have faced as much as 251 years in prison. On Tuesday, she was sentenced to 11 years — the maximum state District Judge Kenneth Martinez could give under the deal.

The sentence also included time for convictions for tax fraud and tampering with evidence.

It all seemed surreal, wrong.

Johnson said her family had understood the risks of going to trial. It was an all-or-nothing proposition. Prosecutors would have had to prove Ellen was guilty of first-degree murder, meaning that she had intent to kill — a much higher threshold than the lesser charges of second-degree murder and manslaughter.

If they couldn't prove intent, she could walk away with no prison time for Mike's death. That's because eight years had passed between the day Mike was killed and Ellen was charged. The statute of limitations had run out on those lesser charges and a host of others. At trial, they could not be considered. In a plea deal, and if Ellen agreed to waive the statute of limitations, they could.

Ellen's attorney, Penni Adrian, was also prepared to mount a battered-woman defense and argue her client had fired the gun out of fear for her life — never mind that there had never been any police reports or restraining orders filed.

It was a risk prosecutors were unwilling to take.

But it was a plea deal (Ellen had agreed to waive the statute of limitations on voluntary manslaughter) that Johnson and her family were unwilling to accept.

Not that they really had any say.

"All of us wanted a trial," Johnson said. "We were so willing to take a gamble. We were not involved with this plea. We were not on board with this deal."

Ellen showed no emotion as she was sentenced Tuesday. That perhaps was one last turn of the knife into the heart of Mike's family.

"We played a DVD of Mike from his baby years through his childhood to his bottle-feeding the daughter he had with this woman," Johnson said, still unable to utter Ellen's name. "She watched it stone cold. This woman has not an ounce of remorse in her."

Ellen was then handcuffed and led away, still wearing the orange jail scrubs she had tried to persuade the judge not to force her to wear in front of cameras that were in the courtroom for a "Dateline NBC" special set to air this fall.

It is over, for now.

"We hope to put the media circus behind us and try to pick up and continue on and enjoy life, which is a struggle for all of us," Johnson said.

Johnson and her family say they hope Gov. Susana Martinez will agree to meet with them to discuss pushing for legislation to eliminate the state's statutes of limitations for serious offenses — limitations that should have been erased when the statute for first-degree murder was lifted in 1997.

They hope Mike's daughter, 6 when he was killed and now living with Ellen's mother, will reach out to them someday when she is ready.

They hope the pain of losing Mike will lessen.

They hope 11 years doesn't seem so short.

UpFront is a daily front-page news and opinion column. Comment directly to Joline Gutierrez Krueger at 823-3603, jkrueger@abqjournal.com or follow her on Twitter [@jolinegkg](https://twitter.com/jolinegkg). Go to www.abqjournal.com/letters/new to submit a letter to the editor.

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Suggested Reading:

- BREAKING: Ellen Snyder Cops Plea
- Judge Rejects Plea Deal in Murder Case
- ABQ Woman Who Admitted Killing Her Husband Gets Maximum 11-Year Sentence
- Stung by attack on their integrity, judges deserve impartial hearing
- City To Pay Family \$950,000 In Officer-Involved Shooting

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