

BIDEN WINS

Turning point comes as Democrat wins Pennsylvania

John Fritze, Bart Jansen
and Camille Caldera
USA TODAY

WILMINGTON, Del. – Joe Biden, the former vice president and longtime fixture of American politics, won a bitterly fought contest for president Saturday after vowing to usher in a more robust response to the pandemic and a more civil form of politics.

Biden's victory over President Donald Trump puts the nation on a sharply different course just four years after voters selected one of the most unconventional leaders in American history to shake up establishment politics.



Harris

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Democratic presidential nominee Joe Biden gestures after speaking early Wednesday at the Chase Center in Wilmington, Del. ANGELA WEISS/AFP VIA GETTY IMAGES

New Mexico elects first Black DA



Gerald Byers, 62, is pictured in his new office in Las Cruces on Friday after Doña Ana County elected him as district attorney. NATHAN J FISH/SUN-NEWS

Bethany Freudenthal Las Cruces Sun-News | USA TODAY NETWORK – NEW MEXICO

LAS CRUCES – Doña Ana County has a new district attorney who is ready to hit the ground running.

Though Gerald Byers, 62, ran unopposed in the election, he said it's been an educational process and he's pleased with the situation. He said he doesn't want to sound presumptuous about not having an opponent but is pleased with the outcome.

"I think that everybody will be able to work together for that ever-elusive goal to total justice in society, because people expect it and people deserve it. And my intention for my office is to focus on the mission of serving the people and pursuing justice. Anything else is secondary. It's not about us; it's about the community," he said.

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COVID-19 IN NEW MEXICO

- Number tested: 1,250,724
- Positive: 53,671
- Recovered: 23,088
- Hospitalized: 441
- New: 1,287
- Deaths: 1,104 (101 in Doña Ana County)
- Doña Ana County: 8,089 (206 new)

Numbers from the New Mexico Department of Health. See the breakdown by county and more at lcsun-news.com. For the latest COVID-19 information, see cv.nmhealth.org.

City to talk skatepark renovations, Citation Program

Michael McDevitt
Las Cruces Sun-News
USA TODAY NETWORK – NEW MEXICO

LAS CRUCES - The Las Cruces City Council will discuss the city's aging skatepark, Juvenile Citation Program and its recently completed ethics survey at a work session Monday.

The city was approved to receive \$845,000 in legislative capital outlay in the early spring for skatepark renovations. Skaters and BMX riders in Las Cruces have been advocating for renovations to the 20-year-old park, pointing out the skatepark's elements are aging, cracked and worn and saying some portions have always been poorly designed.

The city will also use \$100,000 it was allotted in capital outlay to be used as seed money for a second skatepark in town, it said in a news release. An additional \$350,000 approved during the 2020 Legislative Session for lighting and improvements for the intersection near the skatepark

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Byers

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Byers was born in Wiesbaden, Germany on April 27, 1958, to Eugene and Helen Byers, who passed away in 2008. He has one brother, Lonnie Byers, who lives in Garland, Texas.

Byers said running for district attorney should be the least politicized race — because it shouldn't be about delivering justice for one party, or for people who lean a certain direction, politically.

"You have to put the blinders on and stay focused on the total topic of justice, regardless of any other extraneous facts. But, nevertheless, it is a politicized situation," he said.

And this is an historic win. Byers said he is the first African American district attorney to be elected in the state of New Mexico. Henry Valdez, director of New Mexico's Administrative Office of District Attorneys, said Wednesday he isn't aware of any other African American individual in the state who has held the office.

"I'm happy. I'm thankful for all the people who helped me and supported me and gave me guidance and direction and needed confidence. So it's a good thing," Byers told the *Las Cruces Sun-News*.

His path to office

Byers' journey to public office began in Texas, where he was a commissioned officer on a naval base and served as a security guard. It was there that Byers decided to attend law school, separated from the Navy and applied to several schools. He was eventually accepted to the University of New Mexico in Albuquerque. He graduated from UNM in 1995 at the age of 37.

"As soon as I got there, it was like home away from home. I was an older student, but it didn't really matter," Byers said. "Everybody was friendly, everybody was accommodating, and it opened my eyes to a number of things in society.

Because, up until then, most of my perspective had been through the military lens."

While in school, Byers said he began considering public service — rather than private practice. While in school, he was able to begin his career at the Bernalillo County DA's office in Albuquerque, through a program called the DA's Clinic, which allowed third-year law students to prosecute cases under the supervision of a prosecutor.

His experience in that program helped solidify his desire for public service.

"That was just an outstanding experience," Byers explained. "It helped you understand what victims went through. It helped you understand the perspective of police officers, and it also helped you understand what the defenders were experiencing. It made law come alive, as opposed to being between the hard covers of a three-inch book."

After graduating from UNM Law, Byers got his first job at the DA's office in Gallup, near the Navajo and Zuni Nations. He said the diversity of the two communities, coupled with the need to assimilate those cultures into the protections provided by the Constitution, was a great first job.

Throughout his career, Byers worked across New Mexico — and in several Texas counties — before landing in Las Cruces.

"It's been all over the place, and I wouldn't change a thing about it," Byers said. "Every aspect about it has given me an opportunity to learn about it, an opportunity to engage with people and understand where they're coming from."

One thing Byers said he's learned throughout his career is that there are a lot of things lawyers can learn from non-lawyers: respecting people, aspects of personality, character and humanity, and what people can expect of others and what they can bring forth their skills.

Byers said extreme violence devastates families for decades.

"You really have to know your craft and your skill set and the law and where to find assistance where if you need it and where to be brave and bold and courageous if you need to do that as well," he said.

Better service to the community

Now that he's officially the DA, Byers said he wants to work with his office on providing better service to the community.

Like all public offices, Byers said the DA's office is bound by financial resources and if the budget is limited by lawmakers it can affect compensations of both administrators and attorneys.

Resources or the lack thereof also affect the availability of training for staff and bringing in experts who can prove serious cases beyond an unreasonable doubt.

"So one of the things we want to do is continue our working relationship with our legislators and also be able to improve our ability of securing resources for our office," he said.

Administrative rule changes and initiatives in the court system impact how cases flow. They also impact the prosecuting arm and law enforcement offices, with regards to how evidence is collected.

"There are some ways that I think we can improve in that process and facilitate a more transparent prosecution," he said.

One way he'd like to do that is to prevent wrongful convictions.

"Prosecutors have the responsibility to ensure there's evidence beyond a reasonable doubt for any type of conviction," he said.

Byers said he is heartened by a recent law that expunges convictions and arrest records, because it gives individuals who may have moved on from a felony conviction to lead productive lives, but who are being held back because of past records. It also provides an increase in the number of people who are available in the workforce.

"If a person has paid their debt to society, why in the world should they be dogged by that for the rest of their life," he asked.

He'd also like to work on addressing mental health issues in Doña Ana County.

Marissa's Law

Byers said the case that gave him the determination to continue fighting for justice for crime victims was the death of Marissa Mathy-Zvaifler, 16, of Santa Fe.

On July 16, 2003, the teen — along with some of her friends — traveled to the Sunshine Theater in Albuquerque to attend a hip-hop show. But she never returned home.

Several days later, her body was found in a storage room at the theater that had been blocked off by a soda machine by then-janitor Dominic Akers, who was convicted a year later, and sentenced to life in prison plus 37 years.

It was a Saturday morning when Byers was asked to come to the crime scene that he describes as "very, very disturbing."

"The body had decomposed," he said. Prior to Mathy-Zvaifler's murder, Akers had been sentenced to probation — instead of 33 years in jail — for sexually assaulting a four-year-old family member.

But the judge gave him probation due to his low I.Q. and the fact that he was illiterate.

Mathy-Zvaifler's death inspired a statewide law entitled Marissa's Law, which provides for tougher penalties, increased supervision of convicted sex offenders and a sex-offender management board to identify and track sex offenders.

Prosecuting the Mathy-Zvaifler case will stand out in Byers' mind forever.

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