



Mexico holds first public trial

February 18, 2005

MONTEMORELOS, Mexico (AP) -- In a quiet courtroom in northern Mexico, a drunk driving case is making history: 19-year-old Alejandro Santana is before a judge, fighting charges he was drunk and crashed his car, killing a passenger and leaving another person a quadriplegic.

The case, which was nearing an end Friday, is the nation's first U.S.-style public trial, replacing a slow and secretive judicial process conducted on paper and moving Mexico a step closer toward reforms President Vicente Fox is seeking nationwide.

So-called oral trials represent a dramatic departure from the current Mexican justice system in which defense lawyers and prosecutors investigate cases, interview witnesses, gather evidence and pass their findings in writing to judges, who review the bulky files before issuing a written verdict. Information is often kept secret, and corruption thrives.

In June, state lawmakers in Nuevo Leon approved oral trials, requiring both sides to argue their cases publicly in all crimes involving property damage or where the defendant is accused of battery or manslaughter.

They hope to eventually expand the program to all trials, and other Mexican states are looking at adopting similar practices.

State officials argued the new proceedings would help streamline Nuevo Leon's judicial system and make trials more transparent.

"This is an act without precedent in our state and in our country," Nuevo Leon Gov. Natividad Gonzalez said when the reforms were approved.

The reforms in Nuevo Leon resemble a proposal presented by President Vicente Fox in March that calls for an overhaul of the federal justice system.

Fox's proposal would also substitute oral public trials for written judgments, clearly delineate the presumption of innocence in the constitution, and reorganize national police forces. It is currently being debated in Congress.

Human rights groups have long asked for broad justice reforms in a country where confessions extracted under torture, botched investigations and an excess of bureaucracy feed a deep mistrust of the system.

Judge Francisco Saenz, who is handling the Santana case, applauded the new proceedings.

"I think we all suffer from too much work," said Saenz, who must sift through roughly 1,000 cases a year. "This will help us expedite cases."

Santana's trial began Monday in Montemorelos, 40 miles (65 kilometers) southeast of Monterrey, then resumed again Friday after a recess called to locate a witness.

Under the old system, the same process could have taken months.

So far, Saenz said, proceedings had gone smoothly. Attorneys in the case were required to receive training on how to argue before a judge, and there had been no mishaps or confusion.

Prosecutors say Santana was drunk when the pickup truck he was driving flipped over, killing one of his friends and leaving another paralyzed from the neck down. Santana argued he lost control of the truck but was not drunk and only had five beers.

Conviction could result in eight years in prison.

Copyright 2005 The [Associated Press](#). All rights reserved. This material may not be published, broadcast, rewritten, or redistributed.

Find this article at:

<http://www.cnn.com/2005/WORLD/americas/02/18/mexico.justice.ap/index.html>