

Third Place Winner

Marissa Ham

Junior at Hot Springs High School

Truth or Consequences

## Broken Borders: A New Mexico Emergency

Jeremy Deets, Samantha Cruthers, Tom Bernard, and Marcia Waters were going to the Gold City Senior High School prom. They had rented a limousine from Fielding's Limousine Service. Their driver, Manuel Ortiz, was a newly hired driver who falsified the information on his application and had a forged drivers license. The fake license was poorly made and didn't have the reflective watermark that is on a real license. The clerk at Fielding's did not catch this and Mr. Ortiz was hired anyway. In addition, Manuel Ortiz was an illegal immigrant from Mexico who had been caught and deported from the United States just two years earlier. On the night of prom, Mr. Ortiz was drinking and became extremely intoxicated. The weather, that night, was overcast which made for low visibility. Mr. Ortiz was speeding and didn't see the tractor-trailer pull out in front of him. He crashed into it going 70 mph. Jeremy and Tom were killed instantly, while Samantha and Marcia were seriously injured. Manuel was not hurt and fled the scene, only to be apprehended in Colorado a week later.

The careless actions of Fielding's Limousine Service and the **inconsideration** of Manuel Ortiz resulted in the critical injuries of Samantha Cruthers and Marcia Waters, along with the tragic deaths of Jeremy Deets and Tom Bernard. This leaves the question of who is legally at fault. Is it the limousine service since they hired the illegal immigrant who caused the wreck, **or is** it Manuel Ortiz himself because he was the drunk driver? According to certain state and federal laws they are both at fault and should be held liable.

1. Fielding's Limousine Service and **Manuel Ortiz** are both liable for the deaths and medical

bills of the high school students.

> New Mexico Statute 41-2-1, (Death by wrongful act or neglect; liability in damages), indicates that

if the death of a person is caused by a wrongful act, neglect or default of another person, then whoever caused the act, and/or the corporation with which that person is with, should be liable. If the victim is not killed, the person, and/or corporation, who caused the accident, is still legally responsible. Manuel Ortiz was the one who caused the accident that killed and injured the high school students. He was hired by Fielding's Limousine Service, and was driving one of their limousines when the accident happened. According to this statute, this makes them both legally liable. The limousine service is responsible for their employees' actions while they are on duty; and since Mr. Ortiz was on the job when this took place, that makes the limousine service equally responsible.

> New Mexico Statute 66-5-41 (Permitting unauthorized person to drive), states that **no** person can knowingly allow a vehicle they own, or is under their control, to be driven by **a person who is not authorized or does not have a license**. Although, it does go on to say that if they unknowingly let an unlicensed illegal alien drive their vehicle, the owner is not responsible for any damages caused by the unlicensed driver. However, if the clerk at Fielding's had done his or her job correctly, and paid closer attention to the license, the clerk would have seen that it was obviously a fake and discovered that Manuel Ortiz was an illegal alien. Therefore, there is no excuse for not knowing that his license was **a forgery**. As a result, this statute can hold Fielding's liable for allowing Mr. Ortiz drive.

> Furthermore, New Mexico Statute 41-2-4 (Death caused by railroad, stage coach or public conveyance; action for damages; defense), states that whenever a person dies from any injury caused by the carelessness of an employee, while driving a car or public transportation, the employee shall be held liable in damages. As I previously said, Mr. **Ortiz** was an employee of Fielding's Limousine Service at the time of the accident; and was driving one of their limousines. Although you may argue that a limousine is not a form of public transportation, let me ask you something. Aren't **taxicabs**, city buses, and trains types of public transportation? And are they not available to anyone, and don't you have to pay to use them? The same qualifications apply to a limousine. Therefore, under this statute, **Manuel** Ortiz can be held legally responsible. Even though Mr. Ortiz himself caused the accident, the limousine service is still just as liable for the deaths and medical bills of those four innocent high school students.

2. In the state of New Mexico, Manuel Ortiz can legally be held criminally liable for the crimes he committed.

> New Mexico Statute 41-2-1 (Death by wrongful act or neglect; liability in damages) states that legal liability in damages for death by a wrongful act is not limited to people who are citizens of the United States. In other words, a nonresident illegal alien (Manuel Ortiz), in the state of New Mexico, can be held legally responsible for killing someone. Therefore Mr. Ortiz can be held liable for the deaths of **Jeremy Deets** and Tom Bernard, even though he is not a legal citizen of the United States.

> New Mexico Statute 66-8-101 (Homicide by vehicle; great bodily harm by vehicle) indicates that a person who commits homicide by vehicle or great bodily harm by vehicle

while under the influence of alcohol, is guilty of a third degree felony. Due to the circumstances of this accident, **Manuel Ortiz** can be held liable for the critical injuries of **Samantha Cruthers** and **Marcia Waters**, under this Statute. > Manuel Ortiz committed several other felonies; he falsified his application, forged his driver's license, and was driving under the influence. Given that Mr. Ortiz is an illegal immigrant, who has been deported before, and is now being charged with an aggravated felony, he can be fined under Title 18, and/or, imprisoned for no more than twenty years, according to Title 8 section 1326(b) of the United States Code. Under this code and the above Statutes, Manuel Ortiz can and should be held accountable, in New Mexico, for all of these crimes.

The terrible accident that caused the deaths of **Jeremy Deets** and Tom Bernard, along with the injuries of Samantha Cruthers and Marcia Waters, was a horrible event that could have easily been avoided. The people at fault for this awful disaster should be brought to justice and **held** accountable for their actions.