



EDITORIALS

Vetting Appointees Avoids Embarrassment

Cody Kelley, who resigned from the New Mexico Lottery board after being charged with aggravated DWI, re-resigned after Gov. Bill Richardson reappointed him — a pointless do-si-do that could have been avoided.

The charge came after police were summoned by witnesses who saw a man and woman climb out of a pickup truck after it rolled over near Paseo del Norte NE and Interstate 40, according to police, who found a half-empty liquor bottle inside. Police found Kelley and a woman in a nearby hotel bar with drinks.

Kelley said they had been dropped off by a cab about an hour earlier, he had consumed 2½ drinks, that he hadn't been in an accident and didn't own the wrecked truck. All of that was contradicted by taxi company records, the bartender, the truck registration and the keys in Kelley's pocket.

None of that was presented at trial, however. There wasn't one. Because Kelley, a defense lawyer, went up against local prosecutors, the district attorney in Bernalillo County was forced to bounce the case to another DA. Since that one had received campaign contributions from Kelley, he bounced it to a special prosecutor. Then the ball bounced out of the sixmonth bounds.

And Kelley bounced back onto the Lottery board, an action that was defended by a governor's spokesman with the statement: "Mr. Kelley has never been convicted of any crime, and it is irresponsible to assume his guilt."

Considering that dismissal in no way exonerates Kelley, setting the bar for an appointment by the governor at failure to convict seems at odds with the governor's anti-DWI campaign.

Had someone in the Governor's Office checked into the events that triggered the first resignation, and given those events proper consideration, it would have saved some embarrassment.