

## DA should change policy on pretrial diversions

Mark Stevens - Special to the Express-News

June 18, 2010

Re: "Felony charge quietly dropped" (Metro, June 12):

Special prosecutor Therese Huntzinger did exactly the right thing when she moved to dismiss a weapon charge against Christopher J. Mueller, a family friend of District Attorney Susan Reed, after Mueller successfully completed an informal pretrial diversion program that Huntzinger designed.

There is no good reason why a young man like Mueller, who has a bright future and no criminal history, should have to face trial and a possible felony conviction that might ruin his life. And requiring Mueller to donate \$1,500 to a veterans' charity was a thoughtful way to benefit a worthy cause.

Justice was truly served in this case, and both Mueller and the residents of Bexar County are lucky someone as wise and creative as Huntzinger was appointed special prosecutor.

The irony here is extraordinary. The only reason Huntzinger was appointed is that Reed — the person we elected to prosecute cases like this — is the mother of Mueller's friend and traveling companion the day he was arrested, and chose to disqualify herself.

Reed, of course, has for years had a rigid policy prohibiting her prosecutors from offering pretrial diversion to any adult charged in Bexar County. That is, had Mueller not been a Reed family friend, neither he nor the veterans' charity would have been eligible to receive the benefits of pretrial diversion.



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That is not only ironic; it is wrong-headed. Pretrial diversion programs like the one so sensibly employed in Mueller's case were used here by prosecutors before Reed and are used by DAs in most Texas counties and throughout the United States.

Young people who are charged with nonviolent crimes and who have never before been charged with a crime sometimes both need and deserve the second chance Reed's son's friend got in this case. Diversion is not for everyone or every case, but clearly it is an ideal remedy for certain people, and in certain cases, and there is no reason prosecutors and judges here should not have the discretion to use it when appropriate.

To the DA: Surely if you have never yet been able to understand the value of pretrial diversion, this case involving your son's friend must convince you that you have been wrong. Surely you can see that it is time to allow deserving defendants, and all of Bexar County, to benefit from this widely used legal remedy. You and you alone have the power to make this happen.

*Mark Stevens is a San Antonio attorney.*



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