

Ryan Westman, who is facing charges in both McKinley and San Juan counties, remains incarcerated in the San Juan County jail as of Feb. 14, as the courts in both counties decide who will try him first.

Since he is facing first-degree murder charges in McKinley County as opposed to charges dealing with a police pursuit in San Juan County, McKinley County is expected to get the first bite. But when that will happen is still undetermined.

It also appears that Westman, 25, will have to get new legal representation since his current attorneys with the Law Offices of the Public Defender are saying it will pose a conflict of interest for the Gallup agency to continue representing him.

John Bernitz, who has represented Westman in the past, said attorneys there have previously represented Mark Chavez, the man he allegedly killed by hitting him over the head with an axe. Still others have represented witnesses in the case.

To continue representing Westman in his cases in Gallup magistrate and district courts could result in him charging that these other representations prevented attorneys there from giving him their best effort.

As a result, Bernitz said he was contacting the Farmington office to see if someone there was willing to take over his defense.

Another matter that has come up concerns the accusations that Westman tried to set up a situation where he could have a chance of escaping custody. He has already escaped once from the McKinley County jail, although he was recaptured within hours.

At a court hearing before McKinley County District Court Judge Lindy Bennett on drug possession charges Feb. 12, Westman was accused of removing stitches he received when he was shot during the vehicle pursuit in an effort to be sent to the hospital where he would have a better chance of escaping.

Bernitz said he was skeptical of these accusations since they were based on hearsay.

As for the drug charges, Bennett decided to postpone the hearing on these charges until March 12. By then prosecutors are hoping to have a better idea of how the various other charges against Westman will be handled.