



Administrative Office of the Courts

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Supreme Court initiatives successful in expediting criminal cases and streamlining procedures

SANTA FE – New Mexico courts are expediting criminal cases with new procedures and helping witnesses and law enforcement avoid the need to appear at multiple hearings.

The largest district court in the state –the Second Judicial District Court in Albuquerque – is successfully using retired judges to hold settlement conferences to facilitate plea discussions in criminal cases. About 43% of the 524 cases referred to the program this year were resolved through pleas by the defendants or case dismissals by prosecutors. The settlements eliminated the need for a trial, allowing prosecutors, defense counsel, courts and law enforcement to focus on other cases.

A pilot project in the Bernalillo County Metropolitan Court reduced by half the number of preliminary hearings set in felony cases, which resulted in fewer court appearances by victims, witnesses and law enforcement officers.

“Improved court procedures help resolve cases in a timely manner without requiring law enforcement, victims and witnesses to unnecessarily spend time in a courthouse waiting for certain hearings,” said Justice Briana H. Zamora.

She serves on a working group the Supreme Court formed earlier this year to develop practices and procedures to move cases forward and lessen the strain on the justice system from pandemic disruptions.

Justice Julie J. Vargas said, “The Supreme Court’s message to all courts is to operate as efficiently as possible to move more cases forward while honoring constitutional protections.”

An order issued by the Court in January allows district courts across the state to conduct settlement conferences in criminal cases by suspending a prohibition on judges not assigned to the case to participate in plea discussions. Settlement conferences have been conducted in 35 cases in the First Judicial District Court and 28 of those cases were resolved through pleas or dismissals.

Under another order, a status conference is required early in criminal proceedings in Metro Court and the Santa Fe Magistrate Court. These conferences occur before an officer or victim must appear in court, and allow the prosecutor and the defendant's lawyer to discuss a possible resolution. A defendant must decide at the status conference whether to waive appearing at a later proceeding – called a preliminary hearing – where a judge determines whether a felony case will proceed to trial in district court. A defendant can no longer wait until the day of the preliminary hearing to waive the proceeding. The new procedure helps prevent law enforcement, victims and other witnesses from appearing in court only to learn a proceeding is not going to happen — something that often happened in the past at preliminary hearings.

The average number of preliminary hearings set in Metro Court dropped by 49% in June, July and August since status conferences became mandatory. The number of preliminary hearings set in August of this year for out-of-custody defendants was 62% below those in August 2021. Additionally, there was a 71% decline in defendants failing to appear at preliminary hearings in June, July and August. In the past, officers and witnesses might be present for a hearing but the defendant failed to appear.

Here are other Supreme Court-approved initiatives to streamline criminal procedures:

- Traffic violation cases in magistrate courts statewide and Metro Court are conducted remotely — making it more convenient for the defendant, witnesses and law enforcement to attend hearings without spending time traveling to a courthouse. There previously was a presumption that traffic cases would be heard in-person.
- Suspending pretrial interviews with law enforcement in misdemeanor cases under a pilot project in Metro Court and the Santa Fe County Magistrate Court.
- Expanding the availability of grand juries in the Second Judicial District of Bernalillo County and in the First Judicial District of Santa Fe, Rio Arriba and Los Alamos counties. District attorneys had asked for more grand juries to initiate criminal prosecutions.

“We have taken these measures to reduce backlogs in the justice system from the pandemic and help law enforcement remain on the street to address crime in the state of New Mexico,” said Chief Justice C. Shannon Bacon.

Courts cleared more cases than were filed in the 2022 fiscal year, which ended June 30. The disposition rate was 103% for district courts statewide, 105% for all magistrate courts and 108% for the Metro Court. The disposition rate is the percentage of adjudicated cases compared to the number of new and reopened cases during the fiscal year.

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