

# New Mexico Judiciary

Annual Statistical Report on  
DWI Court Dispositions - 2018



# Table of Contents

Introduction .....	3
Calendar Year 2018 Statistical Summary.....	3
Misdemeanor Dismissals and Re-filings.....	4
Reporting of DWI Bind Overs.....	4
Underlying Traffic Convictions.....	4
Methodology.....	5
Statistical Tables .....	6
Glossary .....	11

# **Statistical Report on DWI Cases in New Mexico, 1997-2018**

Prepared by the New Mexico Administrative Office of the Courts

## **Introduction**

The Administrative Office of the Courts (AOC) is pleased to present the 2018 annual statistical report on dispositions of drunken driving cases in New Mexico's district and magistrate courts and the Bernalillo County Metropolitan Court. The report covers calendar years 1997 through 2018, and tracks how the state courts resolve cases involving charges of driving under the influence of intoxicating liquor or drugs, often referred to as driving while intoxicated or DWI.

## **Calendar Year 2018 Statistical Summary**

State courts in New Mexico adjudicated 10,259 felony and misdemeanor DWI cases in calendar year 2018, and 62.2 percent of those cases statewide resulted in convictions. District courts disposed of 1,566 DWI cases, magistrate courts disposed of 5,872 DWI cases and the Metropolitan Court disposed of 2,821 DWI cases. One DWI arrest may represent more than one case disposition in this report because of charging procedures in which a case is dismissed and refiled later as a separate case against the same defendant. A total of 35.8 percent of the DWI cases adjudicated statewide were dismissed, 1.7 percent resulted in an acquittal and other dispositions occurred in about 0.3 percent of the cases. The reasons for dismissals vary widely. Charges may be dropped, for example, because the arresting law enforcement officer fails to appear in court or evidence has been ruled inadmissible at trial. If a defendant completes terms of probation in compliance with a deferred sentence, a judge may dismiss the charges and the sentence.

### **Misdemeanor Dismissals and Felony Re-filings**

Total dismissals for the Metropolitan Court and magistrate courts include DWI charges that were dismissed as misdemeanors but later refiled by prosecutors as felonies in district court. On average, this accounts for about 8 percent of the misdemeanor cases dismissed statewide each year. When prosecutors decide to refile charges against a defendant as a felony DWI, a dismissal is a necessary procedural step. The total dismissals in this report therefore reflect dismissals that occur when charges are refiled, and this affects the dismissal and conviction percentages for the magistrate courts and the Metropolitan Court.

### **Reporting of DWI Bind Overs**

The case totals in this report for magistrate courts do not include felony DWI cases that are eventually transferred to district courts for adjudication. Those transferred cases, called "bind overs," are part of the total dispositions in district courts. Cases are transferred, or bound over, when a magistrate judge rules there is probable cause to believe that a defendant has committed an offense. About 7 to 14 percent of the felony DWI cases initially filed in magistrate courts since 1997 were transferred to district court for trial.

### **Underlying Traffic Convictions are Not Counted as DWI Convictions**

In cases involving DWI charges, a defendant may still face other non-DWI charges. A driver may be stopped for a traffic violation and the arresting officer subsequently charges the driver with DWI. The driver may be convicted of the underlying traffic offense even if the DWI charge is dismissed. For this report, convictions for underlying traffic offenses associated with a DWI case are not counted as DWI convictions.

## **Methodology**

Total convictions in this report represent the percentage of case dispositions in the calendar year by state courts that result in a conviction on a drunken driving charge. The case dispositions may involve DWI charges that were filed in a previous year.

Convictions in this report include plea bargains in which a defendant pleads guilty or no contest to a drunken driving charge – whether lesser or greater than the original arresting offense and even if other charges are dismissed. When all DWI charges are dismissed as part of a plea bargain, the disposition is considered a dismissal regardless of whether the defendant is convicted of a non-DWI offense stemming from the same arrest.

**DWI Cases Disposed For Calendar Year 2018**  
**District Courts By Location**

County	Total Cases	Disposition by Category				Dismissals by Category			
		Total Convictions	Total Acquittals	Other Dispositions	Total Dismissals	Dismissed by Prosecutor	Dismissed By Court	Dismissed Six Month Rule	Other Dismissals
BERNALILLO	291	67.7%	3.8%	0.7%	27.8%	17.5%	3.8%	0.3%	6.2%
CATRON	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CHAVES	226	76.6%	2.7%	0.0%	20.8%	20.4%	0.4%	0.0%	0.0%
CIBOLA	23	60.9%	4.4%	0.0%	34.8%	21.7%	8.7%	4.4%	0.0%
COLFAX	18	61.1%	0.0%	0.0%	38.9%	27.8%	0.0%	0.0%	11.1%
CURRY	47	78.7%	2.1%	2.1%	17.0%	10.6%	4.3%	0.0%	2.1%
DE BACA	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
DONA ANA	96	63.5%	0.0%	0.0%	36.5%	31.3%	2.1%	2.1%	1.0%
EDDY	35	82.9%	0.0%	0.0%	17.1%	11.4%	2.9%	0.0%	2.9%
GRANT	16	68.8%	0.0%	6.3%	25.0%	18.8%	0.0%	0.0%	6.3%
GUADALUPE	1	0.0%	0.0%	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%
HARDING	0	-	-	-	-	-	-	-	-
HIDALGO	1	0.0%	0.0%	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%
LEA	72	54.2%	5.6%	0.0%	40.3%	33.3%	1.4%	5.6%	0.0%
LINCOLN	19	84.2%	5.3%	5.3%	5.3%	5.3%	0.0%	0.0%	0.0%
LOS ALAMOS	1	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	100.0%
LUNA	13	53.9%	0.0%	7.7%	38.5%	30.8%	7.7%	0.0%	0.0%
MCKINLEY	48	64.6%	0.0%	4.2%	31.3%	20.8%	4.2%	0.0%	6.3%
MORA	4	75.0%	0.0%	0.0%	25.0%	25.0%	0.0%	0.0%	0.0%
OTERO	49	83.7%	2.0%	2.0%	12.2%	4.1%	0.0%	2.0%	6.1%
QUAY	6	66.7%	0.0%	0.0%	33.3%	33.3%	0.0%	0.0%	0.0%
RIO ARRIBA	32	75.0%	3.1%	0.0%	21.9%	12.5%	3.1%	3.1%	3.1%
ROOSEVELT	13	84.6%	0.0%	0.0%	15.4%	7.7%	0.0%	0.0%	7.7%
SAN JUAN	238	72.3%	0.4%	0.8%	26.5%	23.5%	2.1%	0.0%	0.8%
SAN MIGUEL	30	70.0%	0.0%	3.3%	26.7%	16.7%	3.3%	3.3%	3.3%
SANDOVAL	84	60.7%	7.1%	6.0%	26.2%	13.1%	7.1%	2.4%	3.6%
SANTA FE	107	74.8%	0.0%	0.0%	25.2%	17.8%	1.9%	0.0%	5.6%
SIERRA	6	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
SOCORRO	8	62.5%	0.0%	0.0%	37.5%	37.5%	0.0%	0.0%	0.0%
TAOS	30	56.7%	0.0%	0.0%	43.3%	30.0%	6.7%	0.0%	6.7%
TORRANCE	9	55.6%	0.0%	11.1%	33.3%	22.2%	11.1%	0.0%	0.0%
UNION	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
VALENCIA	40	50.0%	0.0%	5.0%	45.0%	27.5%	10.0%	5.0%	2.5%
Statewide	1,566	69.5%	2.1%	1.3%	27.1%	20.2%	2.9%	1.0%	3.1%

**DWI Cases Disposed For Calendar Year 2018  
Magistrate Courts By Location**

County	Total Cases	Disposition by Category				Dismissals by Category			
		Total Convictions	Total Acquittals	Other Dispositions	Total Dismissals	Dismissed by Prosecutor	Dismissed By Court	Dismissed Six Month Rule	Other Dismissals
CATRON	5	80.0%	0.0%	0.0%	20.0%	20.0%	0.0%	0.0%	0.0%
CHAVES	168	62.5%	0.0%	0.0%	37.5%	36.9%	0.0%	0.0%	0.6%
CIBOLA	123	68.3%	3.3%	0.0%	28.5%	24.4%	2.4%	0.0%	1.6%
COLFAX	63	71.4%	1.6%	0.0%	27.0%	20.6%	4.8%	0.0%	1.6%
CURRY	168	71.4%	5.4%	0.0%	23.2%	17.3%	3.0%	1.8%	1.2%
DE BACA	6	83.3%	16.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
DONA ANA	1026	71.2%	0.7%	0.3%	27.9%	26.2%	0.9%	0.0%	0.8%
EDDY	176	79.0%	2.8%	0.0%	18.2%	14.2%	1.7%	0.6%	1.7%
GRANT	152	79.6%	0.0%	0.0%	20.4%	17.8%	2.0%	0.0%	0.7%
GUADALUPE	32	84.4%	0.0%	0.0%	15.6%	12.5%	0.0%	0.0%	3.1%
HARDING	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
HIDALGO	50	76.0%	0.0%	0.0%	24.0%	22.0%	0.0%	0.0%	2.0%
LEA	262	35.1%	5.0%	0.0%	59.9%	54.6%	2.3%	2.3%	0.8%
LINCOLN	118	75.4%	5.1%	0.0%	19.5%	13.6%	2.5%	0.0%	3.4%
LOS ALAMOS	8	87.5%	0.0%	0.0%	12.5%	12.5%	0.0%	0.0%	0.0%
LUNA	101	78.2%	0.0%	0.0%	21.8%	19.8%	2.0%	0.0%	0.0%
MCKINLEY	645	45.6%	1.7%	0.0%	52.7%	43.6%	3.6%	3.9%	1.7%
MORA	13	61.5%	7.7%	0.0%	30.8%	30.8%	0.0%	0.0%	0.0%
OTERO	128	79.7%	3.1%	0.0%	17.2%	14.1%	1.6%	1.6%	0.0%
QUAY	36	72.2%	2.8%	0.0%	25.0%	16.7%	2.8%	0.0%	5.6%
RIO ARRIBA	182	57.7%	2.8%	0.0%	39.6%	37.4%	0.6%	0.0%	1.7%
ROOSEVELT	61	85.3%	1.6%	0.0%	13.1%	9.8%	0.0%	1.6%	1.6%
SAN JUAN	646	70.9%	1.2%	0.3%	27.6%	23.5%	0.8%	0.6%	2.6%
SAN MIGUEL	117	79.5%	0.0%	0.0%	20.5%	18.0%	0.9%	0.0%	1.7%
SANDOVAL	265	52.8%	0.4%	0.4%	46.4%	33.2%	11.7%	0.4%	0.8%
SANTA FE	648	50.5%	0.5%	0.0%	49.1%	46.1%	1.2%	1.1%	0.6%
SIERRA	101	76.2%	6.9%	0.0%	16.8%	12.9%	2.0%	1.0%	1.0%
SOCORRO	96	68.8%	2.1%	0.0%	29.2%	13.5%	7.3%	2.1%	6.3%
TAOS	117	62.4%	4.3%	0.0%	33.3%	23.9%	4.3%	2.6%	2.6%
TORRANCE	43	79.1%	4.7%	0.0%	16.3%	14.0%	2.3%	0.0%	0.0%
UNION	8	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
VALENCIA	307	46.3%	1.6%	0.0%	52.1%	29.0%	16.0%	3.3%	3.9%
Statewide	5,872	62.9%	1.7%	0.1%	35.3%	29.7%	3.0%	1.1%	1.5%

**DWI Cases Disposed For Calendar Years 1997 Through 2018  
District Courts By Year**

Year	Total Cases	Disposition by Category				Dismissals by Category			
		Total Convictions	Total Acquittals	Other Dispositions	Total Dismissals	Dismissed by Prosecutor	Dismissed By Court	Dismissed Six Month Rule	Other Dismissals
1997	1,224	84.6%	0.4%	3.8%	11.2%	6.0%	0.0%	0.0%	5.1%
1998	1,460	82.2%	0.3%	2.7%	14.9%	8.9%	0.0%	0.0%	6.0%
1999	1,705	83.6%	0.5%	2.8%	13.1%	8.3%	0.0%	0.2%	4.6%
2000	1,753	78.4%	0.5%	1.1%	20.0%	9.1%	0.1%	0.3%	10.4%
2001	1,687	84.7%	0.4%	0.7%	14.3%	7.3%	0.0%	0.2%	6.8%
2002	1,936	84.4%	0.5%	2.1%	13.0%	5.7%	0.0%	0.3%	6.9%
2003	1,960	85.2%	0.6%	0.9%	13.4%	10.3%	0.6%	0.3%	2.2%
2004	2,218	86.4%	0.5%	0.8%	12.4%	10.3%	1.2%	0.5%	0.3%
2005	2,326	83.4%	0.9%	0.7%	15.0%	11.7%	2.5%	0.5%	0.4%
2006	2,416	82.3%	1.2%	1.0%	15.5%	12.9%	1.8%	0.5%	0.3%
2007	2,725	83.5%	1.1%	0.4%	15.0%	12.5%	1.8%	0.4%	0.3%
2008	3,111	82.3%	1.0%	0.2%	16.4%	14.2%	1.6%	0.5%	0.2%
2009	2,826	82.5%	0.9%	0.5%	16.1%	13.0%	2.3%	0.5%	0.2%
2010	2,276	80.6%	1.4%	0.0%	17.9%	14.4%	2.6%	0.6%	0.3%
2011	2,303	82.2%	1.5%	0.2%	16.2%	13.0%	2.4%	0.6%	0.2%
2012	1,955	83.0%	1.2%	0.2%	15.5%	12.2%	2.9%	0.5%	0.1%
2013	1,939	81.2%	0.8%	0.7%	18.0%	13.1%	3.4%	0.9%	0.0%
2014	1,891	78.2%	1.4%	0.8%	20.4%	14.5%	3.2%	0.9%	1.0%
2015	1,761	75.8%	1.3%	0.7%	22.9%	15.3%	2.5%	2.3%	2.0%
2016	1,665	74.4%	1.3%	0.7%	23.6%	18.3%	1.2%	1.0%	3.1%
2017	1,579	74.1%	1.7%	0.6%	23.6%	17.4%	1.0%	1.0%	4.1%
2018	1,566	69.5%	2.1%	1.3%	27.1%	20.2%	2.9%	1.0%	3.1%



**DWI Cases Disposed For Calendar Years 1997 Through 2018  
Magistrate Courts By Year**

Year	Total Cases	Disposition by Category				Dismissals by Category			
		Total Convictions	Total Acquittals	Other Dispositions	Total Dismissals	Dismissed by Prosecutor	Dismissed By Court	Dismissed Six Month Rule	Other Dismissals
1997	7,458	80.1%	0.8%	0.6%	18.5%	5.8%	0.0%	0.8%	11.9%
1998	7,161	77.5%	0.6%	0.8%	21.2%	6.1%	0.1%	0.6%	14.4%
1999	7,412	77.0%	0.7%	1.0%	21.3%	7.6%	0.1%	1.0%	12.6%
2000	7,415	76.5%	0.5%	0.6%	22.5%	8.1%	0.1%	0.8%	13.4%
2001	7,119	76.1%	0.6%	0.8%	22.5%	9.1%	0.2%	0.9%	12.3%
2002	6,713	77.7%	0.8%	1.1%	20.3%	8.5%	0.1%	0.9%	10.8%
2003	7,529	76.8%	0.6%	1.3%	21.3%	10.0%	0.2%	0.8%	10.3%
2004	8,181	75.5%	0.9%	1.0%	22.6%	12.9%	0.4%	1.3%	7.9%
2005	7,633	72.4%	0.7%	0.0%	26.8%	22.6%	1.5%	0.9%	1.8%
2006	7,571	69.6%	0.8%	0.1%	29.6%	26.0%	1.2%	0.8%	1.6%
2007	7,914	71.3%	0.9%	0.0%	27.7%	23.7%	1.8%	1.0%	1.1%
2008	8,034	70.7%	0.7%	0.1%	28.5%	24.1%	1.9%	1.0%	1.6%
2009	9,032	69.3%	1.2%	0.1%	29.4%	25.1%	1.8%	1.3%	1.2%
2010	8,324	68.7%	1.3%	0.1%	29.9%	25.0%	2.5%	1.1%	1.4%
2011	7,532	67.2%	1.4%	0.1%	31.3%	27.6%	2.3%	0.8%	0.6%
2012	6,656	72.6%	1.6%	0.1%	25.8%	18.4%	3.4%	0.7%	0.2%
2013	6,598	68.9%	1.5%	0.0%	29.7%	20.3%	4.1%	1.7%	3.5%
2014	6,524	70.1%	1.4%	0.0%	28.6%	20.2%	4.0%	1.3%	3.1%
2015	6,699	67.5%	1.7%	0.0%	30.8%	21.7%	4.7%	1.1%	3.3%
2016	6,275	68.0%	1.9%	0.1%	30.1%	25.7%	1.9%	1.2%	1.3%
2017	5,889	66.0%	1.7%	0.1%	32.2%	28.0%	1.8%	0.9%	1.4%
2018	5,872	62.9%	1.7%	0.1%	35.3%	29.7%	3.0%	1.1%	1.5%

**DWI Cases Disposed For Calendar Years 1997 Through 2018  
Metro Court By Year**

Year	Total Cases	Disposition by Category				Dismissals by Category			
		Total Convictions	Total Acquittals	Other Dispositions	Total Dismissals	Dismissed by Prosecutor	Dismissed By Court	Dismissed Six Month Rule	Other Dismissals
1997	2,869	58.3%	1.9%	0.1%	39.7%	28.5%	5.0%	3.1%	3.1%
1998	5,119	67.0%	2.0%	0.0%	31.0%	21.2%	5.2%	2.1%	2.6%
1999	4,980	64.4%	2.6%	0.1%	33.0%	20.5%	5.0%	4.1%	3.4%
2000	4,899	69.5%	1.6%	0.0%	28.9%	19.0%	3.9%	3.7%	2.3%
2001	6,073	70.6%	1.4%	0.1%	28.0%	17.6%	3.9%	4.0%	2.5%
2002	6,144	66.1%	1.6%	0.0%	32.2%	20.0%	5.0%	4.6%	2.7%
2003	6,706	62.6%	1.8%	0.0%	35.7%	21.8%	5.9%	5.5%	2.5%
2004	6,407	60.0%	2.0%	0.0%	38.0%	23.8%	5.5%	5.3%	3.3%
2005	6,536	64.2%	2.0%	0.0%	33.7%	24.1%	4.5%	2.8%	2.3%
2006	5,940	69.1%	2.0%	0.0%	28.9%	26.2%	1.0%	1.3%	0.4%
2007	6,851	71.8%	1.3%	0.0%	26.8%	24.0%	0.7%	1.4%	0.7%
2008	7,135	69.4%	0.7%	0.0%	29.9%	27.5%	0.7%	0.8%	0.9%
2009	6,648	66.6%	0.7%	0.0%	32.7%	29.7%	0.5%	0.7%	1.8%
2010	5,497	65.4%	2.0%	0.0%	32.6%	29.7%	0.9%	0.3%	1.7%
2011	4,650	65.5%	1.6%	0.0%	32.9%	29.9%	1.5%	0.4%	1.1%
2012	4,732	67.9%	2.4%	0.0%	25.9%	23.7%	1.6%	0.3%	0.3%
2013	4,534	57.9%	3.5%	0.3%	38.4%	33.4%	1.0%	0.6%	3.4%
2014	3,853	47.5%	2.4%	0.2%	49.9%	45.5%	1.6%	1.1%	1.7%
2015	3,171	46.7%	2.7%	0.1%	50.7%	46.1%	1.7%	1.6%	1.3%
2016	2,678	44.9%	2.4%	0.3%	52.4%	43.1%	7.4%	0.3%	1.6%
2017	2,628	49.1%	2.1%	0.0%	48.9%	41.7%	5.6%	0.4%	1.1%
2018	2,821	56.8%	1.4%	0.0%	41.8%	35.1%	5.1%	0.5%	1.1%

# GLOSSARY

**Disposition:** The court's final determination of a DWI case, such as conviction, acquittal or dismissal.

## **Dispositions by Category<sup>1</sup>**

Total Cases: Number of case dispositions. This is *not* the number of DWI cases *filed* in a year.

Total Convictions: % of disposed cases resulting in a conviction.

Total Acquittals: % of disposed cases resulting in acquittal.

Other dispositions: Cases not dismissed but which do not fit into column heading categories.<sup>2</sup>

Total Dismissals: % of disposed cases that were dismissed.<sup>3</sup>

## **Dismissals by Category<sup>4</sup>**

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<sup>1</sup> The Disposition by Category columns may not total 100% because of rounding.

<sup>2</sup> Examples of other dispositions include granting of an extradition or pre-adjudication diversion.

<sup>3</sup> Some dismissed cases may be refiled later as a separate new case.

<sup>4</sup> The sum of the categories (Dismissals by Category) represents the percentage under the column "Total Dismissals."

Dismissed by Prosecutor: % of disposed cases dismissed based on a prosecutor's dismissal motion.

Dismissed by Court: % of disposed cases dismissed by a judge.<sup>5</sup>

Dismissed 6 Month Rule: % of disposed cases dismissed under rules of criminal procedure requiring a defendant's trial to start within six months. For the district courts, Rule 5-604 NMRA; for the magistrate courts, Rule 6-506; and for the Metropolitan Court, Rule 7-506.

Other Dismissals: % of disposed cases dismissed for reasons other than in the category headings.<sup>6</sup>

**For More Information Contact:**

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<sup>5</sup> Examples of dismissals by the court include cases in which a witness failed to appear in court and the state was unable to proceed to trial, a conviction dismissed on appeal, a mistrial and when a court determines there is no probable cause for the charge.

<sup>6</sup> Examples of other dismissals include a deferred sentence and dismissals because a defendant died or was found incompetent to stand trial.