NEWS RELEASE

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SUPREME COURT APPROVES CHANGES TO CASE MANAGEMENT ORDER IN BERNALILLO COUNTY

SANTA FE – The state Supreme Court approved rule changes Wednesday to provide more time for handling criminal cases in the 2nd Judicial District and to implement safeguards limiting when cases may be dismissed for failure to comply with the case management order.

The changes go into effect Feb. 2 for new cases filed on and after that date. The rule revisions also will apply to pending cases that are assigned on or after Feb. 2 to one of the three procedural tracks that determine how quickly a case must go to trial.

The case management order was implemented in February 2015 to resolve felony cases without undue delay and reduce a criminal case backlog. It applies only in the 2nd Judicial District in Bernalillo County. The rule protects the constitutional rights of victims and defendants while ensuring public safety.

Among the rule changes:

- An additional 30 to 90 days for cases to go to trial, depending upon their complexity. For the simplest cases, a trial must start with seven months, which provides an extra 30 days. Trial must start within 10 months for cases of moderate complexity, which provides an additional 30 days from the original rule. The most complex cases must go to trial within 15 months, which provides an additional 90 days over the original deadline.

- Limiting when cases can be dismissed for failure to meet deadlines or other provisions of the case management order. A case cannot be dismissed – with or without prejudice – if the prosecution shows by clear and convincing evidence that the defendant is a danger to the community or the failure to comply with the rule was caused by "extraordinary circumstances beyond the control of the parties."

- Extending the deadline for a defendant's arraignment, depending on how charges are brought in a case. This can provide more time for prosecutors to initially share evidence with the defense when charges are brought by information.

The Supreme Court adopted amendments to the case management order after receiving feedback from the district court, prosecutors, defense counsel and law enforcement.

Here is a link to the amended case management order, including a version in markup format with additions underlined and deletions bracketed and in strikethrough.

http://www.nmcompcomm.us/nmrules/nmruleset.aspx?rs=LR2

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