NEWS RELEASE

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CRIMINAL CASES IN BERNALILLO COUNTY FACE NEW DEADLINES

ALBUQUERQUE, N.M. _ Criminal cases in the 2nd Judicial District of Bernalillo County face new deadlines to help speed up the resolution of felony charges under a system that takes effect today.

Implementation of the case management rule is expected to help reduce the inmate population at the Bernalillo County Detention Center and lower costs for the county. The detention center's operation is the largest expense in the county's general fund budget.

Under the new rule, criminal cases must go to trial within six months or up to a year depending on a case's complexity. It has been not unusual in the past for a case's resolution to take more than 18 months from the date of an alleged crime.

"The Second Judicial District Court's criminal judges are committed to implementing the new system. It is our hope and belief that this new rule will provide timely resolution of cases while still ensuring a fair and just process to criminal defendants as well as victims of crime." said Nan Nash, Chief Judge of the Second Judicial District Court.

The rule was approved by the state Supreme Court in November and takes effect today.

"Judges, prosecutors, defense attorneys, law enforcement agencies and others have committed to a very different way of addressing criminal cases," said Artie Pepin, director of the state Administrative Office of the Courts and chairman of the Bernalillo County Criminal Justice Review Commission.

“The transition no doubt will challenge the patience of those who are familiar with old patterns. In the end, the new way of doing business will result in a Bernalillo County criminal justice system that is fairer, faster, and more efficient,” said Pepin.

Currently there is no firm deadline for the timely disposition of criminal cases, including no timetable on how long it takes for the start of a trial after a defendant is charged.

About 40 percent of criminal cases in New Mexico are processed in Bernalillo County.

Under the rule, a three-track system will be used for assigning cases based on their complexity as well as factors such as the number of witnesses and evidence issues.

There are varying deadlines for procedural steps leading to a trial, such as interviews with witnesses and disclosure of scientific evidence. Judges will impose strict sanctions on attorneys to enforce the deadlines. Sanctions include dismissal of the case, monetary fines on an attorney and exclusion of evidence.

The simplest cases must go to trial within six months. Trial must start within nine months for the next level of cases. The most complex cases, which potentially could include murder cases, must go to trial within a year.

A team of six judges will be assigned to handle new cases and those that have been filed within the past six months. A cooperative approach for the handling the cases will be used. If one judge is not available for a hearing on pretrial motions, for example, another judge will handle that to avoid a scheduling delay.

A team of four judges will work through a backlog of almost 3,000 criminal cases that were filed before July 2014.

The deadlines for handling cases are intended to end last minute plea bargains that potentially can delay cases. Prosecutors and defense attorneys also will be required to quickly turn over evidence to each other.

The Supreme Court directed the Bernalillo County Criminal Justice Review Commission to help develop the case management rule. The rule ultimately adopted is based in part on proposals submitted by the Second Judicial District Court and the Office of the Public Defender.

Commission recommendations implemented since last year are credited with helping to lower the detention center's inmate population and produce cost savings estimated at more than $5 million.

A 2013 law established the commission to make recommendations to help relieve jail overcrowding in Bernalillo County. The average jail population was 1,804 in December 2014 _ nearly 23 percent less than December 2013.

Members of the commission are chief judges at the district court and Bernalillo County Metropolitan Court, the district attorney, county sheriff, chief of the Albuquerque police department, chairwoman of the county commission, district public defender, executive director of the New Mexico Association of Counties, Corrections Department's regional adult probation and parole manager and the director of the Administrative Office of the Courts.

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