Administrative Office of the Courts

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Retired Supreme Court Justice Charles Daniels honored for leadership in pretrial justice

SANTA FE – Retired Supreme Court Justice Charles W. Daniels has been selected by the National Association of Pretrial Services Agencies (NAPSA) for a Special Recognition award for his leadership in reforms to New Mexico's system for the release and detention of criminal defendants awaiting trial.

"This award recognizes Justice Daniels for his exemplary leadership, integrity and commitment to the principles of pretrial justice," said NAPSA Executive Director Jim Sawyer. "Justice Daniels has been a driving force behind changes to promote pretrial justice and public safety through evidence-based practices in New Mexico's courts."

Justice Daniels served as Chief Justice when the Court recommended a constitutional amendment, which was approved in 2016 by the Legislature and New Mexico, for the safer and fairer administration of pretrial justice. The Court adopted procedural rules in 2017 to carry out the constitutional change. The Judiciary is expanding pretrial justice services and providing risk assessment data to more judges considering whether a defendant should be released pending trial.

"Before Justice Daniels led the way on pretrial reform, the most dangerous defendants and those most likely to flee before trial could buy their way out of jail with a money bail bond. Today, our communities are safer because that is no longer true," said Chief Justice Judith K. Nakamura. "Reforms promoted by Justice Daniels allow judges to proper distinguish between truly dangerous defendants who should stay in jail pretrial and lower-risk defendants who under our laws should remain free until a trial determines whether they are guilty."

Justice Daniels has been the most significant advocate for pretrial reform in New Mexico since he authored the Court's opinion in *State v. Brown*, an important decision in 2014 on the rights of defendants awaiting trial. The Court ruled that it violated the Constitution and rules of criminal procedure to set a defendant's bail solely on the nature of the charged offense.

Because of the bail system reforms, decisions about pretrial release and detention are based on evidence of a defendant's risk to public safety and the risk the defendant will fail to appear in court for future hearings. In the past, a defendant's ability to afford a money bond largely determined whether they would be freed while awaiting a trial.

The 2016 constitutional amendment allows felony defendants to be held in jail before trial if shown by clear and convincing evidence to be too dangerous for release. The constitution also ensures that defendants who are not dangerous or a flight risk cannot be held in jail pretrial solely because they cannot afford a bail bond.

Previously, the state Constitution required the pretrial release of virtually all defendants, regardless of whether they posed a danger to the public. However, many people arrested for low-risk, non-violent offenses remained in jail pretrial because they could not post a money bail bond.

Justice Daniels retired from the Supreme Court at the end of 2018, after serving 11 years on the state's highest court and two terms as Chief Justice. He was appointed to the Supreme Court in 2007, after a 38-year career as a lawyer with a courtroom practice in criminal and civil cases. He was Chief Justice in 2010-2012 and 2016-2017.

NAPSA, which is based in Washington, D.C., promotes best practices in pretrial release, diversion and supervision services through research, education and the certification of agencies and practitioners in the field. Its members include those working in pretrial programs, judges, attorneys, prosecutors and criminal justice researchers.

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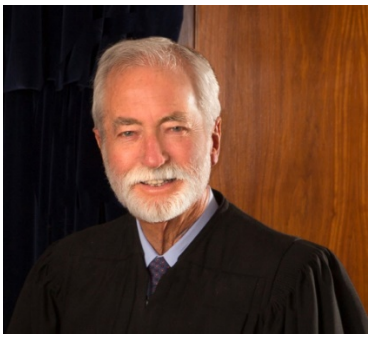
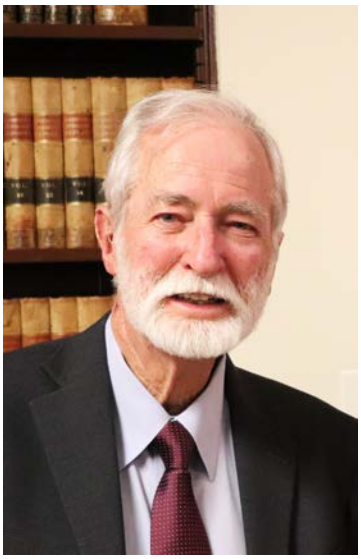


Retired Supreme Court Justice Charles Daniels
(Photo courtesy of the Supreme Court of New Mexico)



Justice Daniels at December 2018 retirement reception in the Supreme Court Law Library
(Photo courtesy of the Administrative Office of the Courts)