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SUPREME COURT REVISES CASE MANAGEMENT ORDER IN BERNALILLO COUNTY

SANTA FE – The state Supreme Court has adopted amendments to the case management order that governs the handling of criminal cases in the 2nd Judicial District Court in Bernalillo Court.

The changes were approved after the court received comments and proposals from the district court, district attorney and prosecutors, Law Office of the Public Defender and other defense counsel and law enforcement. The parties have been working on proposed changes during meetings of the Bernalillo County Criminal Justice Coordinating Council over the last several months.

Among the changes are adjustments to deadlines for disclosing evidence and scheduling pretrial witness interviews.

“The amended case management order provides for the timely resolution of criminal cases in a fair and just manner. The work of the parties to reach consensus on most of these changes is greatly appreciated,” said Artie Pepin, the council chair and director of the Administrative Office of the Courts. “Their dedication has resulted in elimination of the substantial backlog of criminal cases in Albuquerque and progress to date allows the rule changes now adopted.”

The changes go into effect January 15, 2018, and will apply to pending cases that have been assigned to one of the procedural tracks that determine how quickly a case must go to trial.

Among the rule changes:

- An extra five days for the initial disclosure of evidence when a defendant is in custody.

- An additional five days for prosecutors to arraign a defendant who is not in custody. Arraignment triggers case deadlines including a discovery requirement for the initial disclosure of evidence. At arraignment, a defendant is told of the charges and enters a plea.
- More time for cases to go to trial upon a showing of good cause. A trial date can be extended by up to 60 days in the most complex cases and up to 45 days in cases of medium complexity. Previously, only 30-day extensions were allowed.
- Requirements and notices for the requesting and scheduling of witness interviews
- No sanctions on prosecutors, such as a case dismissal, if the failure of a defendant to be transported to court is not the fault of the prosecutor.
- The highest priority for scheduling a trial is given to cases in which the defendant is detained while awaiting trial.
- Prosecutors can refile the same charges without the need for a new probable cause determination when a case was dismissed without prejudice by the court or charges were voluntarily dropped by the prosecution.
- Elimination of the district court's "special calendar," which was established to handle more than 3,000 cases that were older than 18 months. The case backlog was eliminated by the beginning of 2017, and all judges are now assigned to the regular calendar for handling criminal cases.

The case management order was implemented in February 2015 to resolve criminal cases without undue delay and reduce a case backlog. The rule establishes varying deadlines for procedural steps leading to a trial. The simplest cases must go to trial within seven months and a trial is to be held within 15 months for the most complex cases, which potentially could include murder cases. The case management order applies only in the Second Judicial District Court in Bernalillo County.

Click [here](#) to view the amended case management order, including a version in markup format with additions underlined and deletions bracketed and in strikethrough. The Supreme Court issued an order Monday approving the rule amendments.

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