

New Mexico Judiciary

Annual Statistical Report on
DWI Court Dispositions - 2023



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Introduction

The Administrative Office of the Courts (AOC) is pleased to present the 2023 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 2022, 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 2023 Statistical Summary

State courts in New Mexico adjudicated 8,809 felony and misdemeanor DWI cases in calendar year 2023, and 68.8 percent of those cases statewide resulted in convictions. District courts disposed of 1,085 DWI cases, magistrate courts disposed of 5,375 DWI cases and the Metropolitan Court disposed of 2,349 DWI cases. Overall, 29.5 percent of the adjudicated DWI cases statewide were dismissed, 1.4 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. If a DWI case is dismissed and then reopened or refiled in the same year against the defendant, the initial dismissal is not reflected as a disposition in this report. The disposition will occur in the year of the final adjudication of the case.

Reporting of DWI Bind Overs and Transferred Cases

The case totals in this report for magistrate courts and the Metropolitan Court do not include DWI cases that are eventually transferred to district courts for adjudication. These cases are part of the total dispositions in district courts. Some cases, often called "bind overs," are transferred when a magistrate or metropolitan court judge rules there is probable cause to believe that a defendant has committed an offense. In other instances, a prosecutor may transfer a case to a district court by filing a criminal information or through an indictment. Historically, about 7 to 14 percent of the felony DWI cases initially filed in magistrate courts since 1997 were transferred to district court for trial.

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 2023
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	189	68.8%	2.1%	1.6%	27.5%	21.7%	2.7%	0.0%	3.2%
CATRON	-	-	-	-	-	-	-	-	-
CHAVES	56	76.8%	1.8%	0.0%	21.4%	17.9%	0.0%	0.0%	3.6%
CIBOLA	35	54.3%	0.0%	0.0%	45.7%	40.0%	2.9%	0.0%	2.9%
COLFAX	7	71.4%	0.0%	0.0%	28.6%	28.6%	0.0%	0.0%	0.0%
CURRY	25	60.0%	4.0%	0.0%	36.0%	24.0%	0.0%	4.0%	8.0%
DE BACA	-	-	-	-	-	-	-	-	-
DONA ANA	115	30.4%	0.0%	0.0%	69.6%	60.9%	5.2%	0.9%	2.6%
EDDY	26	69.2%	0.0%	0.0%	30.8%	19.2%	11.5%	0.0%	0.0%
GRANT	14	57.1%	0.0%	0.0%	42.9%	21.4%	0.0%	0.0%	21.4%
GUADALUPE	4	0.0%	0.0%	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%
HARDING	-	-	-	-	-	-	-	-	-
HIDALGO	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
LEA	30	70.0%	3.3%	0.0%	26.7%	26.7%	0.0%	0.0%	0.0%
LINCOLN	22	72.7%	4.6%	0.0%	22.7%	18.2%	4.6%	0.0%	0.0%
LOS ALAMOS	2	50.0%	0.0%	0.0%	50.0%	50.0%	0.0%	0.0%	0.0%
LUNA	12	58.3%	0.0%	8.3%	33.3%	16.7%	0.0%	0.0%	16.7%
MCKINLEY	108	67.6%	2.8%	4.6%	25.0%	15.7%	3.7%	2.8%	2.8%
MORA	8	37.5%	0.0%	0.0%	62.5%	62.5%	0.0%	0.0%	0.0%
OTERO	37	54.1%	2.7%	2.7%	40.5%	27.0%	10.8%	0.0%	2.7%
QUAY	2	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
RIO ARRIBA	16	50.0%	0.0%	0.0%	50.0%	43.8%	0.0%	0.0%	6.3%
ROOSEVELT	7	57.1%	0.0%	0.0%	42.9%	14.3%	0.0%	14.3%	14.3%
SAN JUAN	167	87.4%	0.6%	0.0%	12.0%	11.4%	0.6%	0.0%	0.0%
SAN MIGUEL	32	46.9%	0.0%	3.1%	50.0%	43.8%	0.0%	0.0%	6.3%
SANDOVAL	45	53.3%	2.2%	0.0%	44.4%	44.4%	0.0%	0.0%	0.0%
SANTA FE	55	54.6%	1.8%	0.0%	43.6%	25.5%	3.6%	3.6%	10.9%
SIERRA	6	50.0%	0.0%	0.0%	50.0%	50.0%	0.0%	0.0%	0.0%
SOCORRO	4	75.0%	0.0%	0.0%	25.0%	25.0%	0.0%	0.0%	0.0%
TAOS	25	56.0%	12.0%	4.0%	28.0%	12.0%	4.0%	8.0%	4.0%
TORRANCE	2	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
UNION	4	75.0%	0.0%	0.0%	25.0%	0.0%	0.0%	0.0%	25.0%
VALENCIA	29	51.7%	0.0%	6.9%	41.4%	34.5%	0.0%	0.0%	6.9%
Statewide	1,085	63.0%	1.7%	1.3%	34.0%	27.1%	2.6%	0.9%	3.4%

**DWI Cases Disposed For Calendar Year 2023
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	2	50.0%	50.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CHAVES	302	78.5%	0.3%	0.0%	21.2%	19.5%	1.7%	0.0%	0.0%
CIBOLA	134	77.6%	0.0%	0.0%	22.4%	16.4%	3.7%	0.0%	2.2%
COLFAX	48	75.0%	2.1%	0.0%	22.9%	22.9%	0.0%	0.0%	0.0%
CURRY	105	75.2%	2.9%	0.0%	21.9%	18.1%	1.0%	1.0%	1.9%
DE BACA	-	-	-	-	-	-	-	-	-
DONA ANA	849	37.1%	0.8%	0.5%	61.6%	53.4%	7.1%	0.4%	0.8%
EDDY	183	70.5%	1.1%	0.0%	28.4%	27.3%	0.0%	0.6%	0.6%
GRANT	161	80.1%	0.6%	0.0%	19.3%	17.4%	1.2%	0.0%	0.6%
GUADALUPE	49	77.6%	0.0%	0.0%	22.5%	18.4%	2.0%	0.0%	2.0%
HARDING	-	-	-	-	-	-	-	-	-
HIDALGO	36	83.3%	2.8%	0.0%	13.9%	13.9%	0.0%	0.0%	0.0%
LEA	165	70.9%	1.8%	0.0%	27.3%	24.9%	0.6%	0.0%	1.8%
LINCOLN	105	80.0%	2.9%	0.0%	17.1%	13.3%	2.9%	0.0%	1.0%
LOS ALAMOS	5	60.0%	0.0%	0.0%	40.0%	20.0%	0.0%	0.0%	20.0%
LUNA	96	86.5%	2.1%	0.0%	11.5%	11.5%	0.0%	0.0%	0.0%
MCKINLEY	364	57.1%	1.9%	0.0%	40.9%	27.2%	3.3%	6.0%	4.4%
MORA	28	60.7%	3.6%	0.0%	35.7%	21.4%	10.7%	0.0%	3.6%
OTERO	102	58.8%	4.9%	0.0%	36.3%	33.3%	2.9%	0.0%	0.0%
QUAY	19	73.7%	0.0%	0.0%	26.3%	10.5%	5.3%	0.0%	10.5%
RIO ARRIBA	175	70.3%	0.6%	0.6%	28.6%	24.6%	2.3%	0.0%	1.7%
ROOSEVELT	37	83.8%	0.0%	0.0%	16.2%	16.2%	0.0%	0.0%	0.0%
SAN JUAN	664	83.7%	0.6%	0.0%	15.7%	13.7%	0.5%	0.2%	1.4%
SAN MIGUEL	150	71.3%	0.0%	0.0%	28.7%	22.0%	5.3%	0.0%	1.3%
SANDOVAL	659	61.6%	0.6%	0.0%	37.8%	15.3%	20.6%	0.2%	1.7%
SANTA FE*	374	81.0%	0.8%	0.3%	17.9%	17.4%	0.3%	0.0%	0.3%
SIERRA	62	64.5%	1.6%	0.0%	33.9%	29.0%	4.8%	0.0%	0.0%
SOCORRO	61	68.9%	3.3%	0.0%	27.9%	19.7%	6.6%	0.0%	1.6%
TAOS	103	73.8%	1.9%	0.0%	24.3%	18.5%	3.9%	1.0%	1.0%
TORRANCE	30	76.7%	0.0%	0.0%	23.3%	20.0%	0.0%	0.0%	3.3%
UNION	5	60.0%	0.0%	0.0%	40.0%	20.0%	20.0%	0.0%	0.0%
VALENCIA	302	48.7%	1.0%	0.0%	50.3%	35.4%	13.3%	0.3%	1.3%
Statewide	5,375	65.9%	1.1%	0.1%	32.9%	25.4%	5.6%	0.6%	1.3%

*This is the first complete calendar year for a pilot initiative under which the State no longer must schedule pretrial interviews with law enforcement in misdemeanor cases. The Supreme Court approved the pilot in March 2022 for cases in the Bernalillo County Metropolitan Court and the Santa Fe Magistrate Court. In the past, the failure by law enforcement to appear for pretrial interviews with the defense could result in the dismissal of cases.

**DWI Cases Disposed For Calendar Years 1997 Through 2023
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%
2019	1,624	70.2%	1.3%	1.4%	27.2%	20.9%	2.2%	0.6%	3.5%
2020	1,018	69.9%	0.7%	2.1%	27.1%	18.1%	3.6%	0.7%	4.7%
2021	1,144	65.7%	1.1%	1.1%	32.1%	25.0%	2.5%	0.5%	4.1%
2022	1,028	69.6%	0.9%	2.0%	27.5%	22.1%	2.1%	0.6%	2.7%
2023	1,085	63.0%	1.7%	1.3%	34.0%	27.1%	2.6%	0.9%	3.4%

**DWI Cases Disposed For Calendar Years 1997 Through 2023
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%
2019	5,587	61.4%	1.6%	0.1%	36.9%	28.6%	5.9%	0.7%	1.6%
2020	4,814	60.4%	1.6%	0.1%	38.0%	29.9%	5.9%	0.5%	1.7%
2021	5,203	58.2%	1.4%	0.1%	40.4%	29.5%	8.7%	0.7%	1.4%
2022	5,226	58.2%	1.4%	0.1%	40.4%	28.8%	8.8%	1.0%	1.7%
2023	5,375	65.9%	1.1%	0.1%	32.9%	25.4%	5.6%	0.6%	1.3%

**DWI Cases Disposed For Calendar Years 1997 Through 2023
Bernalillo County Metropolitan 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%
2019	3,469	55.0%	1.9%	0.6%	42.5%	32.8%	8.1%	0.5%	1.1%
2020	3,676	55.3%	1.3%	0.0%	43.4%	21.9%	3.8%	0.2%	17.4%
2021	2,915	59.4%	1.3%	2.3%	37.0%	22.2%	3.8%	0.3%	10.8%
2022	2,611	62.0%	0.9%	0.0%	37.2%	24.2%	2.2%	0.3%	10.4%
2023*	2,349	78.0%	2.1%	0.3%	19.6%	16.5%	2.3%	0.0%	0.9%

*This is the first complete calendar year for a pilot initiative under which the State no longer must schedule pretrial interviews with law enforcement in misdemeanor cases. The Supreme Court approved the pilot in March 2022 for cases in the Bernalillo County Metropolitan Court and the Santa Fe Magistrate Court. In the past, the failure by law enforcement to appear for pretrial interviews with the defense could result in the dismissal of cases.

GLOSSARY

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

Dispositions by Category

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.

Total Dismissals: % of disposed cases that were dismissed.

Dismissals by Category

Dismissed by Prosecutor: % of disposed cases dismissed based on a prosecutor's motion or as a sanction against the state. Examples include cases in which the prosecutor files a nolle prosequi, a dismissal as part of a plea agreement, when the district attorney or officers fail to appear in court and when the state is sanctioned for failing to complete discovery.

Dismissed by Court: % of disposed cases dismissed by a judge, such as rulings on motions by the defense. Examples include cases in which evidence is suppressed 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.

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. Examples include a deferred sentence and dismissals because a defendant died or was found incompetent to stand trial.

The sum of percentages in Dismissals by Category represents Total Dismissals, but they may differ slightly because of the rounding of decimals. Percentages in the Disposition by Category columns may not add up to 100 due to rounding.

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