

# New Mexico Judiciary

Annual Statistical Report on  
DWI Court Dispositions - 2015



## Table of Contents

Calendar Year 2015 Introduction and Statistical Summary .....	3
Misdemeanor Dismissals and Felony Re-filings .....	4
Reporting of DWI Bind Overs .....	4
Underlying Traffic Convictions Not Counted as DWI Convictions .....	4
Methodology .....	5
Statistical Tables .....	6
Glossary .....	11

# Statistical Report on DWI Cases in New Mexico, 1997-2015

Prepared by the New Mexico Administrative Office of the Courts

## Introduction

The Administrative Office of the Courts (AOC) is pleased to present the eleventh 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 2015, 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 2015 Statistical Summary

State courts in New Mexico adjudicated 11,631 felony and misdemeanor DWI cases in calendar year 2015, and 63.1 percent of those cases statewide resulted in convictions. District courts disposed of 1,761 DWI cases, magistrate courts disposed of 6,699 DWI cases and the Metropolitan Court disposed of 3,171 DWI cases. One DWI arrest may represent more than one case disposition in this report because of charging procedures in which a case is dismissed and refiled later as a separate case against the same defendant.

About a third of the DWI cases adjudicated statewide were dismissed, by the prosecutor or the court. 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.

## **Misdemeanor Dismissals and Felony Re-filings**

The overall dismissal rates for the Metropolitan Court and magistrate courts include DWI charges that were dismissed as misdemeanors but later refiled by prosecutors as felonies in district court. On average, this accounts for about 8 percent of the misdemeanor cases dismissed statewide each year. When prosecutors decide to refile charges against a defendant as a felony DWI, a dismissal is a necessary procedural step. Dismissal rates in this report therefore reflect dismissals that occur when charges are refiled, and this significantly affects the dismissal and conviction rates for the magistrate courts and the Metropolitan Court.

## **Reporting of DWI Bind Overs**

The case totals in this report for magistrate courts do not include felony DWI cases that are eventually transferred to district courts for adjudication. Those transferred cases, called "bind overs," are part of the total dispositions in district courts. Cases are transferred, or bound over, when a magistrate judge rules there is probable cause to believe that a defendant has committed an offense. About 7 to 14 percent of the felony DWI cases initially filed in magistrate courts since 1997 were transferred to district court for trial.

## **Underlying Traffic Convictions are Not Counted as DWI Convictions**

In cases involving DWI charges, a defendant may still face other non-DWI charges. A driver may be stopped for a traffic violation and the arresting officer subsequently charges the driver with DWI. The driver may be convicted of the underlying traffic offense even if the DWI charge is dismissed. For this report, convictions for underlying traffic offenses associated with a DWI case are not counted as DWI convictions.

## **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 2015**  
**District Courts By Location**

County	Total Cases	Disposition by Category				Dismissals by Category				
		Total Convictions	Total Acquittals	Other Dispositions	Total Dismissals	Dismissed by a Prosecutor	Dismissed By Court	Dismissed Six Month Rule	Conditionally Discharged	Other Dismissals
BERNALILLO	542	76.2%	0.6%	0.0%	23.3%	15.5%	0.9%	4.4%	0.4%	2.0%
CATRON	2	50.0%	0.0%	0.0%	50.0%	0.0%	0.0%	0.0%	0.0%	50.0%
CHAVES	82	74.4%	6.1%	0.0%	19.5%	19.5%	0.0%	0.0%	0.0%	0.0%
CIBOLA	38	60.5%	0.0%	0.0%	39.5%	31.6%	5.3%	2.6%	0.0%	0.0%
COLFAX	10	90.0%	0.0%	0.0%	10.0%	10.0%	0.0%	0.0%	0.0%	0.0%
CURRY	55	70.9%	0.0%	0.0%	29.1%	14.6%	1.8%	3.6%	1.8%	7.3%
DE BACA	2	0.0%	0.0%	0.0%	100.0%	50.0%	50.0%	0.0%	0.0%	0.0%
DONA ANA	131	70.2%	1.5%	0.0%	28.2%	26.0%	0.0%	0.8%	1.5%	0.0%
EDDY	31	74.2%	6.5%	0.0%	19.4%	9.7%	3.2%	0.0%	0.0%	6.5%
GRANT	21	76.2%	0.0%	0.0%	23.8%	14.3%	4.8%	4.8%	0.0%	0.0%
GUADALUPE	1	0.0%	0.0%	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%
HARDING	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
HIDALGO	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
LEA	58	74.1%	0.0%	0.0%	25.9%	22.4%	0.0%	1.7%	0.0%	0.0%
LINCOLN	15	93.3%	6.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
LOS ALAMOS	3	33.3%	0.0%	0.0%	66.7%	33.3%	0.0%	0.0%	0.0%	33.3%
LUNA	27	92.6%	0.0%	0.0%	7.4%	3.7%	0.0%	0.0%	0.0%	3.7%
MCKINLEY	52	71.2%	0.0%	0.0%	28.9%	26.9%	0.0%	0.0%	0.0%	1.9%
MORA	5	60.0%	0.0%	0.0%	40.0%	40.0%	0.0%	0.0%	0.0%	0.0%
OTERO	60	83.3%	0.0%	0.0%	16.7%	15.0%	1.7%	0.0%	0.0%	0.0%
QUAY	6	83.3%	16.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
RIO ARRIBA	61	70.5%	1.6%	0.0%	27.9%	19.7%	1.6%	0.0%	0.0%	6.6%
ROOSEVELT	7	57.1%	0.0%	0.0%	42.9%	28.6%	0.0%	0.0%	14.3%	0.0%
SAN JUAN	225	89.3%	1.3%	0.0%	9.3%	8.0%	0.4%	0.0%	0.4%	0.4%
SAN MIGUEL	33	90.9%	0.0%	0.0%	9.1%	9.1%	0.0%	0.0%	0.0%	0.0%
SANDOVAL	80	65.0%	0.0%	0.0%	35.0%	8.8%	18.8%	0.0%	3.8%	3.8%
SANTA FE	104	77.9%	1.0%	0.0%	21.2%	11.5%	3.9%	1.0%	1.0%	3.9%
SIERRA	5	20.0%	20.0%	0.0%	60.0%	60.0%	0.0%	0.0%	0.0%	0.0%
SOCORRO	13	76.9%	0.0%	0.0%	23.1%	15.4%	7.7%	0.0%	0.0%	0.0%
TAOS	29	86.2%	0.0%	0.0%	13.8%	10.3%	0.0%	0.0%	0.0%	3.5%
TORRANCE	6	50.0%	33.3%	0.0%	16.7%	0.0%	0.0%	0.0%	0.0%	16.7%
UNION	4	50.0%	0.0%	0.0%	50.0%	50.0%	0.0%	0.0%	0.0%	0.0%
VALENCIA	50	52.0%	0.0%	0.0%	48.0%	12.0%	0.0%	20.0%	2.0%	10.0%
Statewide	1,760	75.9%	1.3%	0.0%	22.9%	15.5%	2.2%	2.3%	0.7%	2.1%

**DWI Cases Disposed For Calendar Year 2015  
Magistrate Courts By Location**

County	Total Cases	Disposition by Category				Dismissals by Category				
		Total Convictions	Total Acquittals	Other Dispositions	Total Dismissals	Dismissed by a Prosecutor	Dismissed By Court	Dismissed Six Month Rule	Conditionally Discharged	Other Dismissals
CATRON	4	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CHAVES	288	63.2%	3.8%	0.0%	33.0%	30.2%	2.1%	0.0%	0.0%	0.7%
CIBOLA	206	60.2%	1.5%	0.0%	38.4%	32.5%	3.4%	1.0%	0.0%	1.5%
COLFAX	68	66.2%	1.5%	0.0%	32.4%	29.4%	1.5%	0.0%	0.0%	1.5%
CURRY	177	78.5%	4.5%	0.0%	17.0%	14.7%	1.7%	0.6%	0.0%	0.0%
DE BACA	5	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
DONA ANA	1135	76.0%	0.9%	0.0%	23.2%	15.9%	6.5%	0.8%	0.0%	0.0%
EDDY	216	82.9%	4.6%	0.0%	12.5%	8.8%	1.4%	0.9%	0.0%	1.4%
GRANT	123	69.1%	0.8%	0.0%	30.1%	30.1%	0.0%	0.0%	0.0%	0.0%
GUADALUPE	29	65.5%	0.0%	0.0%	34.5%	20.7%	10.3%	3.5%	0.0%	0.0%
HARDING	2	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
HIDALGO	36	88.9%	0.0%	0.0%	11.1%	8.3%	2.8%	0.0%	0.0%	0.0%
LEA	404	65.4%	1.7%	0.0%	32.9%	31.9%	0.0%	0.5%	0.0%	0.5%
LINCOLN	87	90.8%	1.2%	0.0%	8.1%	4.6%	0.0%	0.0%	0.0%	1.2%
LOS ALAMOS	37	78.4%	2.7%	0.0%	18.9%	16.2%	0.0%	2.7%	0.0%	0.0%
LUNA	93	82.8%	0.0%	0.0%	17.2%	14.0%	2.2%	0.0%	0.0%	1.1%
MCKINLEY	432	57.6%	4.4%	0.0%	38.0%	25.2%	2.8%	0.7%	0.0%	9.3%
MORA	26	92.3%	0.0%	0.0%	7.7%	3.9%	0.0%	3.9%	0.0%	0.0%
OTERO	223	82.5%	1.8%	0.0%	15.7%	13.5%	1.8%	0.5%	0.0%	0.0%
QUAY	52	78.9%	0.0%	0.0%	21.2%	15.4%	3.9%	0.0%	0.0%	1.9%
RIO ARRIBA	312	38.1%	1.9%	0.0%	59.9%	37.2%	16.7%	4.5%	0.0%	1.6%
ROOSEVELT	35	82.9%	0.0%	0.0%	17.1%	14.3%	2.9%	0.0%	0.0%	0.0%
SAN JUAN	580	78.1%	0.2%	0.0%	21.7%	16.2%	2.9%	0.7%	0.0%	1.9%
SAN MIGUEL	135	73.3%	0.0%	0.0%	26.7%	25.2%	0.0%	1.5%	0.0%	0.0%
SANDOVAL	293	59.4%	1.7%	0.0%	38.9%	8.5%	12.3%	0.3%	0.0%	17.8%
SANTA FE	846	57.3%	0.7%	0.0%	42.0%	35.2%	3.1%	1.9%	0.0%	1.8%
SIERRA	59	69.5%	1.7%	0.0%	28.8%	23.7%	5.1%	0.0%	0.0%	0.0%
SOCORRO	113	69.0%	2.7%	0.0%	28.3%	25.7%	1.8%	0.0%	0.0%	0.9%
TAOS	226	77.4%	0.4%	0.0%	22.1%	17.7%	1.3%	0.4%	0.0%	2.7%
TORRANCE	56	75.0%	1.8%	0.0%	23.2%	16.1%	5.4%	0.0%	0.0%	1.8%
UNION	18	38.9%	0.0%	0.0%	61.1%	50.0%	0.0%	0.0%	0.0%	11.1%
VALENCIA	383	50.7%	3.4%	0.0%	46.0%	8.4%	14.4%	3.7%	0.0%	19.6%
Statewide	6,699	67.5%	1.7%	0.0%	30.8%	21.7%	4.7%	1.1%	0.0%	3.3%

**DWI Cases Disposed For Calendar Years 1997 Through 2015**  
**District Courts By Year**

Year	Total Cases	Disposition by Category				Dismissals by Category				
		Total Convictions	Total Acquittals	Other Dispositions	Total Dismissals	Dismissed by a Prosecutor	Dismissed By Court	Dismissed Six Month Rule	Conditionally Discharged	Other Dismissals
1997	1,224	84.6%	0.4%	3.8%	11.2%	6.0%	0.0%	0.0%	0.0%	5.1%
1998	1,460	82.2%	0.3%	2.7%	14.9%	8.9%	0.0%	0.0%	0.0%	6.0%
1999	1,705	83.6%	0.5%	2.8%	13.1%	8.3%	0.0%	0.2%	0.0%	4.6%
2000	1,753	78.4%	0.5%	1.1%	20.0%	9.1%	0.1%	0.3%	0.1%	10.4%
2001	1,687	84.7%	0.4%	0.5%	14.3%	7.3%	0.0%	0.2%	0.1%	6.8%
2002	1,936	84.4%	0.5%	2.0%	13.0%	5.7%	0.0%	0.3%	0.2%	6.9%
2003	1,960	85.2%	0.6%	0.7%	13.4%	10.3%	0.6%	0.3%	0.2%	2.2%
2004	2,218	86.4%	0.5%	0.0%	12.4%	10.3%	1.2%	0.5%	0.7%	0.3%
2005	2,326	83.4%	0.9%	0.0%	15.0%	11.7%	2.5%	0.5%	0.7%	0.4%
2006	2,416	82.3%	1.2%	0.0%	15.5%	12.9%	1.8%	0.5%	1.0%	0.3%
2007	2,725	83.5%	1.1%	0.0%	15.0%	12.5%	1.8%	0.4%	0.4%	0.3%
2008	3,111	82.3%	1.0%	0.2%	16.4%	14.2%	1.6%	0.5%	0.0%	0.2%
2009	2,826	82.5%	0.9%	0.0%	16.1%	13.0%	2.3%	0.5%	0.5%	0.2%
2010	2,276	80.6%	1.4%	0.0%	17.9%	14.4%	2.6%	0.6%	0.0%	0.3%
2011	2,303	82.2%	1.5%	0.0%	16.2%	13.0%	2.4%	0.6%	0.2%	0.2%
2012	1,955	83.0%	1.2%	0.0%	15.5%	12.2%	2.9%	0.5%	0.2%	0.1%
2013	1,939	81.2%	0.8%	0.1%	18.0%	13.1%	3.4%	0.9%	0.6%	0.0%
2014	1,891	78.2%	1.4%	0.0%	20.4%	14.5%	3.2%	0.9%	0.8%	1.0%
2015	1,760	75.9%	1.3%	0.0%	22.9%	15.5%	2.2%	2.3%	0.7%	2.1%



**DWI Cases Disposed For Calendar Years 1997 Through 2015  
Magistrate Courts By Year**

Year	Total Cases	Disposition by Category				Dismissals by Category				
		Total Convictions	Total Acquittals	Other Dispositions	Total Dismissals	Dismissed by a Prosecutor	Dismissed By Court	Dismissed Six Month Rule	Conditionally Discharged	Other Dismissals
1997	7,458	80.1%	0.8%	0.5%	18.5%	5.8%	0.0%	0.8%	0.2%	11.9%
1998	7,161	77.5%	0.6%	0.6%	21.2%	6.1%	0.1%	0.6%	0.1%	14.4%
1999	7,412	77.0%	0.7%	0.9%	21.3%	7.6%	0.1%	1.0%	0.1%	12.6%
2000	7,415	76.5%	0.5%	0.3%	22.5%	8.1%	0.1%	0.8%	0.3%	13.4%
2001	7,119	76.1%	0.6%	0.6%	22.5%	9.1%	0.2%	0.9%	0.2%	12.3%
2002	6,713	77.7%	0.8%	0.9%	20.3%	8.5%	0.1%	0.9%	0.2%	10.8%
2003	7,529	76.8%	0.6%	1.1%	21.3%	10.0%	0.2%	0.8%	0.2%	10.3%
2004	8,181	75.5%	0.9%	0.9%	22.6%	12.9%	0.4%	1.3%	0.1%	7.9%
2005	7,633	72.4%	0.7%	0.0%	26.8%	22.6%	1.5%	0.9%	0.0%	1.8%
2006	7,571	69.6%	0.8%	0.1%	29.6%	26.0%	1.2%	0.8%	0.0%	1.6%
2007	7,914	71.3%	0.9%	0.0%	27.7%	23.7%	1.8%	1.0%	0.0%	1.1%
2008	8,034	70.7%	0.7%	0.1%	28.5%	24.1%	1.9%	1.0%	0.0%	1.6%
2009	9,032	69.3%	1.2%	0.1%	29.4%	25.1%	1.8%	1.3%	0.0%	1.2%
2010	8,324	68.7%	1.3%	0.1%	29.9%	25.0%	2.5%	1.1%	0.0%	1.4%
2011	7,532	67.2%	1.4%	0.1%	31.3%	27.6%	2.3%	0.8%	0.0%	0.6%
2012	6,656	72.6%	1.6%	0.0%	25.8%	18.4%	3.4%	0.7%	0.0%	0.2%
2013	6,598	68.9%	1.5%	0.0%	29.7%	20.3%	4.1%	1.7%	0.0%	3.5%
2014	6,524	70.1%	1.4%	0.0%	28.6%	20.2%	4.0%	1.3%	0.0%	3.1%
2015	6,699	67.5%	1.7%	0.0%	30.8%	21.7%	4.7%	1.1%	0.0%	3.3%

**DWI Cases Disposed For Calendar Years 1997 Through 2015  
Metro Court By Year**

Year	Total Cases	Disposition by Category				Dismissals by Category				
		Total Convictions	Total Acquittals	Other Dispositions	Total Dismissals	Dismissed by a Prosecutor	Dismissed By Court	Dismissed Six Month Rule	Conditionally Discharged	Other Dismissals
1997	2,869	58.3%	1.9%	0.1%	39.7%	28.5%	5.0%	3.1%	0.0%	3.1%
1998	5,119	67.0%	2.0%	0.0%	31.0%	21.2%	5.2%	2.1%	0.0%	2.6%
1999	4,980	64.4%	2.6%	0.1%	33.0%	20.5%	5.0%	4.1%	0.0%	3.4%
2000	4,899	69.5%	1.6%	0.0%	28.9%	19.0%	3.9%	3.7%	0.0%	2.3%
2001	6,073	70.6%	1.4%	0.1%	28.0%	17.6%	3.9%	4.0%	0.0%	2.5%
2002	6,144	66.1%	1.6%	0.0%	32.2%	20.0%	5.0%	4.6%	0.0%	2.7%
2003	6,706	62.6%	1.8%	0.0%	35.7%	21.8%	5.9%	5.5%	0.0%	2.5%
2004	6,407	60.0%	2.0%	0.0%	38.0%	23.8%	5.5%	5.3%	0.0%	3.3%
2005	6,536	64.2%	2.0%	0.0%	33.7%	24.1%	4.5%	2.8%	0.0%	2.3%
2006	5,940	69.1%	2.0%	0.0%	28.9%	26.2%	1.0%	1.3%	0.0%	0.4%
2007	6,851	71.8%	1.3%	0.0%	26.8%	24.0%	0.7%	1.4%	0.0%	0.7%
2008	7,135	69.4%	0.7%	0.0%	29.9%	27.5%	0.7%	0.8%	0.0%	0.9%
2009	6,648	66.6%	0.7%	0.0%	32.7%	29.7%	0.5%	0.7%	0.0%	1.8%
2010	5,497	65.4%	2.0%	0.0%	32.6%	29.7%	0.9%	0.3%	0.0%	1.7%
2011	4,650	65.5%	1.6%	0.0%	32.9%	29.9%	1.5%	0.4%	0.0%	1.1%
2012	4,732	67.9%	2.4%	0.0%	25.9%	23.7%	1.6%	0.3%	0.0%	0.3%
2013	4,534	57.9%	3.5%	0.2%	38.4%	33.4%	1.0%	0.6%	0.1%	3.4%
2014	3,853	47.5%	2.4%	0.2%	49.9%	45.5%	1.6%	1.1%	0.0%	1.7%
2015	3,171	46.7%	2.7%	0.0%	50.7%	46.1%	1.7%	1.6%	0.1%	1.3%

# 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.<sup>1</sup>

Total Dismissed: % of disposed cases that were dismissed.<sup>2</sup>

---

<sup>1</sup> Examples of other dispositions include granting of an extradition or pre-adjudication diversion.

<sup>2</sup> Some dismissed cases may be refiled later as a separate new case.

### Dismissals by Category<sup>3</sup>

Dismissed by a Prosecutor: % of disposed cases dismissed based on a prosecutor's dismissal motion.

Dismissed by Court: % of disposed cases dismissed by a judge.<sup>4</sup>

Dismissed 6 Month Rule: % of disposed cases dismissed under rules of criminal procedure requiring a defendant's trial to start within 6 months. For the district courts, Rule 5-604 NMRA; for the magistrate courts, Rule 6-506; and for the Metropolitan Court, Rule 7-506.

Conditionally Discharged: % of cases disposed of with a conditional discharge.<sup>5</sup>

Other Dismissals: % of disposed cases dismissed for reasons other than in the category headings.<sup>6</sup>

#### For More Information Contact:

Barry Massey, Communications Officer  
Administrative Office of the Courts  
237 Don Gaspar  
Santa Fe, NM 87501  
505-827-4805  
[bmassey@nmcourts.gov](mailto:bmassey@nmcourts.gov)

---

<sup>3</sup> The sum of the categories under Dismissals by Category represents the total percentage of case dismissals, which is under the column "Total Dismissed."

<sup>4</sup> Examples of dismissals by the court include a mistrial, a conviction overturned on appeal, a finding of no probable cause for the charge or a defective citation.

<sup>5</sup> If the defendant complies with the terms of probation under a conditional discharge, proceedings are dismissed and no conviction is entered. Conditional discharges have been counted as part of the case dismissals in this report since 2013. For data developed prior to 2013, conditional discharges are tallied as a separate disposition and not included in the dismissal rate.

<sup>6</sup> Examples of other dismissals include a deferred sentence and dismissals because a witness failed to appear in court, a defendant died or was found incompetent to stand trial.