

# New Mexico Judiciary

Annual Statistical Report on

DWI Court Dispositions - 2019



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## **Introduction**

The Administrative Office of the Courts (AOC) is pleased to present the 2019 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 2019, 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 2019 Statistical Summary**

State courts in New Mexico adjudicated 10,682 felony and misdemeanor DWI cases in calendar year 2019, and 60.7 percent of those cases statewide resulted in convictions. District courts disposed of 1,628 DWI cases, magistrate courts disposed of 5,586 DWI cases and the Metropolitan Court disposed of 3,468 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. Overall, 37.2 percent of the DWI cases adjudicated statewide were dismissed, 1.7 percent resulted in an acquittal and other dispositions occurred in about 0.5 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.

## **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 2019**  
**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	410	64.2%	1.2%	1.2%	33.4%	26.1%	0.7%	0.5%	6.1%
CATRON	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CHAVES	240	85.4%	1.7%	0.4%	12.5%	12.5%	0.0%	0.0%	0.0%
CIBOLA	31	67.7%	0.0%	3.2%	29.0%	16.1%	6.5%	3.2%	3.2%
COLFAX	20	85.0%	0.0%	0.0%	15.0%	5.0%	10.0%	0.0%	0.0%
CURRY	33	54.6%	6.1%	0.0%	39.4%	30.3%	0.0%	6.1%	3.0%
DE BACA	0	-	-	-	-	-	-	-	-
DONA ANA	116	73.3%	0.0%	0.9%	25.9%	19.0%	3.5%	0.0%	3.5%
EDDY	28	82.1%	3.6%	0.0%	14.3%	14.3%	0.0%	0.0%	0.0%
GRANT	18	44.4%	0.0%	0.0%	55.6%	22.2%	0.0%	0.0%	33.3%
GUADALUPE	4	25.0%	0.0%	0.0%	75.0%	75.0%	0.0%	0.0%	0.0%
HARDING	0	-	-	-	-	-	-	-	-
HIDALGO	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
LEA	53	52.8%	0.0%	3.8%	43.4%	41.5%	1.9%	0.0%	0.0%
LINCOLN	19	79.0%	0.0%	5.3%	15.8%	0.0%	5.3%	5.3%	5.3%
LOS ALAMOS	7	57.1%	14.3%	0.0%	28.6%	28.6%	0.0%	0.0%	0.0%
LUNA	15	86.7%	0.0%	0.0%	13.3%	13.3%	0.0%	0.0%	0.0%
MCKINLEY	51	68.6%	0.0%	2.0%	29.4%	21.6%	2.0%	3.9%	2.0%
MORA	5	60.0%	0.0%	0.0%	40.0%	40.0%	0.0%	0.0%	0.0%
OTERO	43	65.1%	2.3%	2.3%	30.2%	20.9%	4.7%	0.0%	4.7%
QUAY	7	42.9%	28.6%	0.0%	28.6%	28.6%	0.0%	0.0%	0.0%
RIO ARRIBA	35	68.6%	2.9%	0.0%	28.6%	25.7%	0.0%	0.0%	2.9%
ROOSEVELT	11	63.6%	9.1%	0.0%	27.3%	18.2%	0.0%	0.0%	9.1%
SAN JUAN	219	76.7%	0.5%	1.8%	21.0%	19.2%	1.8%	0.0%	0.0%
SAN MIGUEL	29	86.2%	0.0%	0.0%	13.8%	6.9%	3.5%	0.0%	3.5%
SANDOVAL	65	67.7%	1.5%	3.1%	27.7%	16.9%	7.7%	0.0%	3.1%
SANTA FE	64	70.3%	0.0%	0.0%	29.7%	10.9%	7.8%	0.0%	10.9%
SIERRA	19	79.0%	0.0%	5.3%	15.8%	10.5%	5.3%	0.0%	0.0%
SOCORRO	10	60.0%	0.0%	0.0%	40.0%	20.0%	10.0%	0.0%	10.0%
TAOS	29	58.6%	3.5%	0.0%	37.9%	31.0%	3.5%	0.0%	3.5%
TORRANCE	6	66.7%	0.0%	0.0%	33.3%	33.3%	0.0%	0.0%	0.0%
UNION	4	25.0%	0.0%	25.0%	50.0%	50.0%	0.0%	0.0%	0.0%
VALENCIA	35	45.7%	0.0%	2.9%	51.4%	40.0%	0.0%	8.6%	2.9%
Statewide	1,628	70.3%	1.3%	1.4%	27.1%	20.9%	2.1%	0.7%	3.4%

**DWI Cases Disposed For Calendar Year 2019  
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	3	66.7%	0.0%	0.0%	33.3%	0.0%	0.0%	0.0%	33.3%
CHAVES	78	79.5%	2.6%	0.0%	18.0%	16.7%	0.0%	0.0%	1.3%
CIBOLA	91	67.0%	1.1%	0.0%	31.9%	28.6%	1.1%	0.0%	2.2%
COLFAX	56	85.7%	3.6%	0.0%	10.7%	7.1%	1.8%	0.0%	1.8%
CURRY	122	77.1%	1.6%	0.0%	21.3%	17.2%	2.5%	0.8%	0.8%
DE BACA	7	71.4%	14.3%	0.0%	14.3%	14.3%	0.0%	0.0%	0.0%
DONA ANA	833	61.8%	0.4%	0.0%	37.8%	36.0%	1.2%	0.1%	0.5%
EDDY	215	80.0%	0.9%	0.0%	19.1%	16.7%	0.9%	0.0%	1.4%
GRANT	147	75.5%	1.4%	0.0%	23.1%	21.8%	0.7%	0.0%	0.7%
GUADALUPE	39	79.5%	2.6%	0.0%	18.0%	18.0%	0.0%	0.0%	0.0%
HARDING	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
HIDALGO	39	66.7%	2.6%	0.0%	30.8%	25.6%	0.0%	0.0%	5.1%
LEA	283	50.9%	1.8%	0.0%	47.4%	44.9%	1.8%	0.0%	0.7%
LINCOLN	123	77.2%	9.8%	0.8%	12.2%	4.9%	3.3%	0.8%	3.3%
LOS ALAMOS	10	90.0%	0.0%	0.0%	10.0%	10.0%	0.0%	0.0%	0.0%
LUNA	74	79.7%	1.4%	0.0%	18.9%	17.6%	1.4%	0.0%	0.0%
MCKINLEY	525	45.3%	2.1%	0.2%	52.4%	44.8%	3.6%	2.7%	1.3%
MORA	17	94.1%	0.0%	0.0%	5.9%	5.9%	0.0%	0.0%	0.0%
OTERO	125	82.4%	4.8%	0.0%	12.8%	8.8%	3.2%	0.0%	0.8%
QUAY	30	70.0%	6.7%	0.0%	23.3%	20.0%	0.0%	0.0%	3.3%
RIO ARRIBA	171	54.4%	0.6%	0.0%	45.0%	43.3%	1.8%	0.0%	0.0%
ROOSEVELT	69	81.2%	2.9%	0.0%	15.9%	10.1%	2.9%	0.0%	2.9%
SAN JUAN	587	70.5%	1.2%	0.2%	28.1%	23.5%	1.2%	0.2%	3.2%
SAN MIGUEL	139	71.2%	1.4%	0.7%	26.6%	18.7%	2.9%	2.2%	2.9%
SANDOVAL	430	57.0%	0.7%	0.0%	42.3%	25.4%	14.0%	0.9%	2.1%
SANTA FE	630	43.0%	1.3%	0.2%	55.6%	50.6%	1.8%	1.3%	1.9%
SIERRA	101	75.3%	2.0%	0.0%	22.8%	15.8%	5.9%	0.0%	1.0%
SOCORRO	122	67.2%	2.5%	0.0%	30.3%	25.4%	1.6%	0.0%	3.3%
TAOS	116	76.7%	0.0%	1.7%	21.6%	19.0%	0.0%	1.7%	0.9%
TORRANCE	43	74.4%	2.3%	0.0%	23.3%	20.9%	0.0%	0.0%	2.3%
UNION	7	71.4%	28.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
VALENCIA	353	43.6%	1.7%	0.0%	54.7%	20.4%	30.3%*	1.4%	2.6%
Statewide	5,586	61.4%	1.6%	0.1%	36.9%	30.0%	4.5%	0.7%	1.7%

\*Includes dismissals as part of the court's periodic case review and cleanup, disposing of cases without activity for more than 10 years.

**DWI Cases Disposed For Calendar Years 1997 Through 2019  
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	1,628	70.3%	1.3%	1.4%	27.1%	20.9%	2.1%	0.7%	3.4%

**DWI Cases Disposed For Calendar Years 1997 Through 2019  
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	5,586	61.4%	1.6%	0.1%	36.9%	30.0%	4.5%	0.7%	1.7%

**DWI Cases Disposed For Calendar Years 1997 Through 2019  
Metro 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	3,468	55.0%	1.9%	0.6%	42.5%	33.5%	7.4%	0.5%	1.2%

## 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.

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