

# New Mexico Statistical Analysis Center

## •FAST FACTS•

### Felony Case Processing

3/25/2024

#### Background

New Mexico has a two-tiered system for processing criminal felony offenses. Felony cases are initiated in the lower courts and bound over to the District Court for prosecution after a finding of probable cause. Once in District Court, the case may be adjudicated. Not all cases are bound over, however, and whether adjudication occurs in District Court is dependent upon decisions made along the way that influence the trajectory of the case. Prosecutors decide whether to file charges against a particular defendant in a criminal case; which charges to pursue; whether to file felony charges, and if so, whether to pursue a finding of probable cause via preliminary examination or grand jury (if available); and whether to offer a plea bargain. These prosecutorial decisions, though, are not the only factors that influence this trajectory. Other factors, including court resources, judicial decision-making, defense decisions, and witness cooperation all play a role in case outcomes. Further, restrictions imposed due to Covid-19 altered some court procedures which may influence the trajectory and outcomes of cases.

The current study explores a sample of 23,464 felony cases filed and disposed in New Mexico's lower courts (Magistrate or Metropolitan Court if in Bernalillo County) between 2017 and 2022. It examines case trajectory, case outcomes, time to resolution, and changes in charges over the progression of the case. The study considers whether there are differences by court type (whether the case ended in lower court or moved to District Court); offense characteristics (most serious offense and associated degree of offense); district characteristics (Judicial District, urbanity, and district use of grand jury); and the imposition of COVID-19 restrictions.<sup>1</sup>

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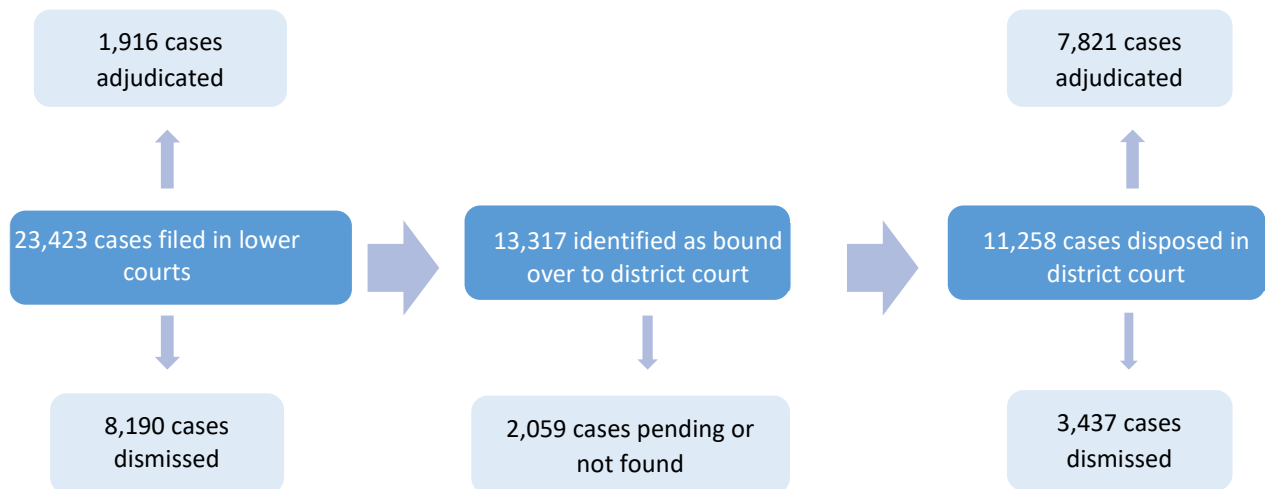
<sup>1</sup> See Appendix for construction and definitions of key variables.

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## Progression of Felony Cases

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### How many cases progress to District Court?



23,423 cases were filed the lower court (Magistrate or Metropolitan Court) after an arrest or warrant for an arrest.

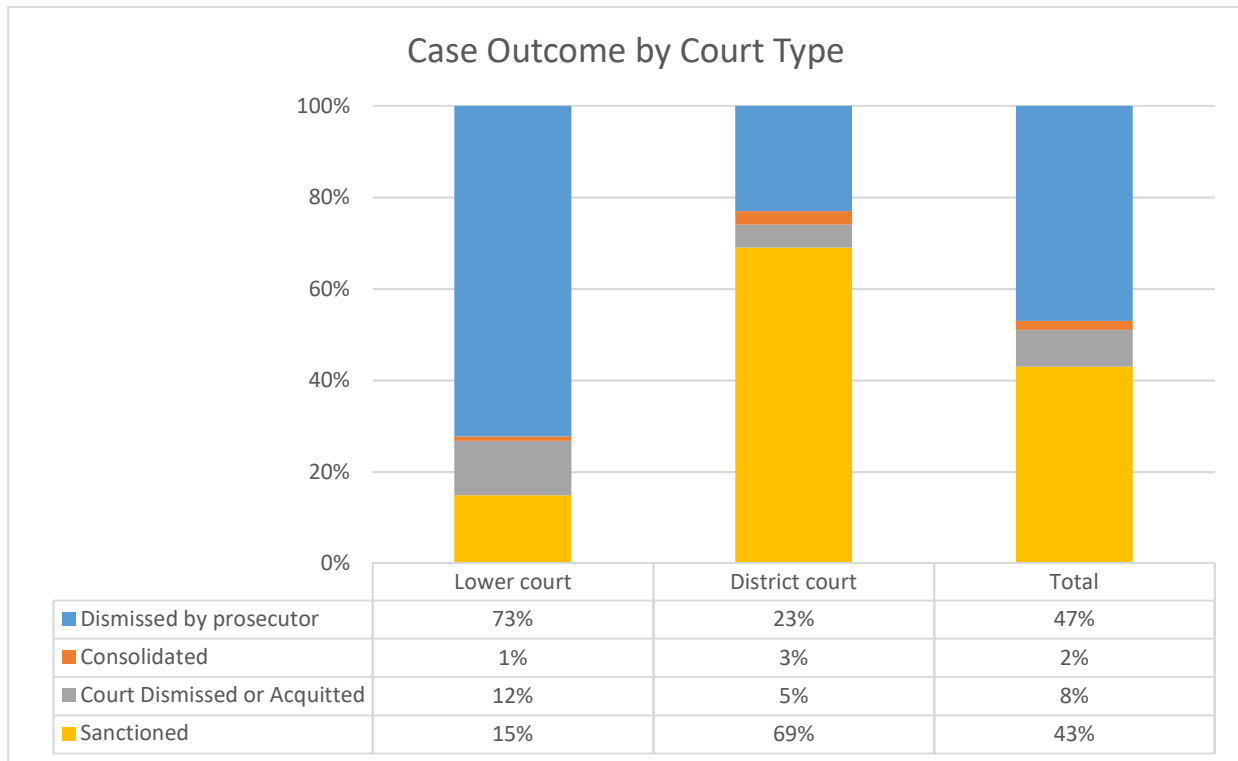
- 57% (13,317) of cases in this sample proceeded to District Court; 2,059 of these were still pending
- 10,106 cases ended in lower court; 19% (1,916) were adjudicated; the remaining 81% (8,190) were dismissed.
- 11,258 cases were bound over and disposed in District Court; 69% (7,821) were adjudicated and 31% (3,437) were dismissed.

## Characteristics associated with progression to District Court

- **Most Serious Offense (MSO):** Cases involving a DWI, weapons, or drug MSO were bound over to District Court most frequently.
- **Degree of MSO:** Cases with higher MSO degree were more likely to be bound over to District Court.
- **Characteristics of district:**
  - District - Districts varied widely in the rate of cases bound over, ranging from 40% to 82%.
  - Urbanity – A greater proportion of cases in rural districts (70%) were bound over than in urban (52%) or mixed districts (51%).
  - Use of grand jury: A smaller proportion of cases were bound over in districts that use grand juries (53%) compared to those that do not (63%)
- **Covid-19:** Cases were bound over more frequently before Covid-19 restrictions (59%) than following restrictions (50%).

## Case Outcomes

### What are the outcomes of felony cases?



- Overall, 43% of cases resulted in conviction or some type of sanction (e.g., pre-prosecution diversion)
- Prosecutors dismissed cases in lower courts at a much higher rate (73%) than in District Court (23%)
- Similarly, the courts dismiss cases at higher rates in the lower courts (12%) than in District Court (5%)
- Prosecutors were more likely to consolidate cases that moved to District Court, but this accounted for a very small proportion of cases (3%)

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## Characteristics associated with case outcomes

- *Most serious offense* – DWIs resulted in a conviction or sanction (64%) more often than cases with other types of offenses (37%-48%)
- *Degree of MSO* – Prosecutors dismissed felonies of unspecified degree (61%) more often than other felonies (37%-44%), but this was due to dismissals in the lower court
- *Characteristics of district*
  - District – Overall conviction/sanction rates varied from a low of 29% (2<sup>nd</sup> Judicial District) to a high of 70% (12<sup>th</sup> Judicial District) but this varied by court type
  - Urbanity – Prosecutors in rural districts had much lower dismissal rates (35%) than either urban (57%) or mixed (45%) districts.
  - Use of grand jury – Prosecutors dismissed cases that ended in the lower courts at much higher rates in districts that use grand juries (77%) compared to those that do not (65%). No differences were found by use of grand jury for cases that were bound over to the District Court
- *Covid-19* – Rates of dismissal by both prosecutors (44%) and judges (7%) were much lower prior to the imposition of Covid-19 restrictions than after (57% and 13%, respectively).

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## Time to Case Resolution

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### How long does it take for felony cases to be disposed?

Days detained	All cases	Cumulative %	Ended in Lower court	Cumulative %	Ended in District Court	Cumulative %
0-60 days	30%	30%	57%	57%	5%	5%
61-90 days	9%	39%	14%	71%	4%	9%
91-180 days	16%	55%	16%	87%	15%	24%
181-365 days	21%	76%	8%	95%	34%	58%
366 or more days	24%	100%	5%	100%	42%	100%
<b>N</b>	<b>21,364</b>		<b>10,106</b>		<b>11,158</b>	
<b>Median days to disposition</b>	<b>154</b>		<b>53</b>		<b>311</b>	

- The overall median days to resolution was 154 days, with 55% of cases disposed within 180 days.
- Time to disposition varied by court type. The median time to resolution among cases ending in the lower courts was 53 days; more than half (57%) of the cases were resolved within 60 days. In District Court, the median time to resolution was 311 days with over half (58%) resolved within one year.

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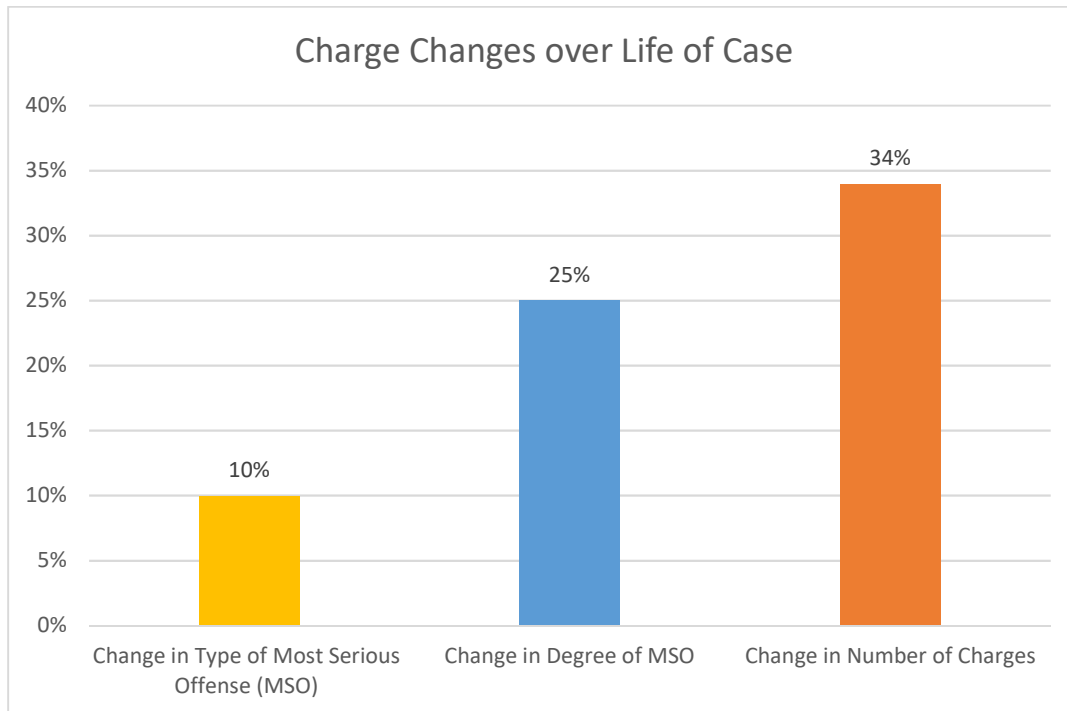
## Characteristics associated with time to resolution

- *Most serious offense* – Time to disposition was longest for DWI offenses (median of 238.5 days) and shortest for public order/other offenses (102 days)
- *Degree of MSO* –Time to resolution by degree varied by court type. While capital offenses/1<sup>st</sup> degree felonies took the longest time to resolve in District Court (median 451 days vs. 250-341 days), they took the shortest time in the lower courts (35 days vs. 46-55 days for other cases)
- *Characteristics of district*
  - District – Time to disposition varied from a low of 67 days in the 2<sup>nd</sup> Judicial District to a high of 335.5 days in the 12<sup>th</sup> Judicial District, though this varied by court type.
  - Urbanity – Time to resolution was quickest in urban districts (median 89 days) compared to either rural (225 days) or mixed (151 days) districts. These patterns held regardless of the court type.
  - Use of grand jury– Overall time to resolution was quickest in district that use a grand jury (132 days vs. 184 days), but this was due to resolution of cases in the lower courts. Once cases moved to District Court, time to resolution was longer in district that use a grand jury.
- *COVID-19* –Overall time to resolution was quicker after COVID-19 restrictions (78 days) compared to prior to restrictions (177 days), but this was due to resolution of cases in the lower courts. Cases bound over to District Court had a longer time to resolution after the restrictions (344 days) than before (308 days).

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## Progression of Charges

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- The type of MSO changed in 10% of cases
  - The greatest proportion of change (8%) occurred between filing and disposition in District Court
  - Compared to filing in the lower court, the proportion of violent offenses *decreased* as cases progressed (20% at lower court filing vs. 16% at District Court disposition) with a corresponding increase in drug offenses (24% at lower court filing vs. 28% at District Court disposition)
- The degree of MSO changed in 25% of cases
  - While degree severity decreased over the life of the case generally (approximately 27%), if the degree changed, a greater proportion of cases moving from the lower court to District Court had an increase the severity of the degree rather than decrease (12% vs. 4%, respectively)
- The number of charges changed in 34% of cases
  - The average number of charges *decreased* between filing and disposition in either lower or District Courts, but *increased* when moving from the lower court to the District Court
- Few meaningful differences were found by case or most district characteristics, but changes were less frequent after the imposition of COVID-19 restrictions.

## Appendix: Variable Construction and Definitions

### CONSTRUCTION OF KEY VARIABLES.

<i>Variable</i>	<i>Values</i>	<i>How variable was constructed</i>
Most serious offense	Violent Property Drug DWI Other	Determined by first identifying the degree of most serious felony; if different offenses had same most serious degree of felony, classified according to: violent, property, drug, DWI, other in that order. See table B.2 for additional details
Urban designation	Urban Rural Mixed	Judicial districts include one or more counties. Using the 2013 National Center for Health Statistics' classification of urban-rural areas, derived from the Office of Management and Budget's schema ( <a href="https://www.cdc.gov/nchs/data_access/urban_rural.htm">https://www.cdc.gov/nchs/data_access/urban_rural.htm</a> ), we classified counties as urban or rural.  Districts comprised of counties that are all urban or all rural were classified as such; districts that include both were classified as mixed. See Figure B.1 for the district designation for each county.
Grand jury in district	Yes No	Relied on several sources of information to construct including court website; automated data indicating that grand jury was used between 2016 and 2021; and confirmation from court officials
Pre/post COVID-19 restrictions	Pre Post	Governor Michelle Lujan-Grisham ordered the state to lockdown 3/25/2020; all cases filed before that date are "pre-COVID-19" and those filed on or after that date are "post-COVID-19."
Time to case resolution	Days	Difference between the date the case was filed in the lower court and disposed in either the lower court or, if bound over, the District Court.

## DEFINITION OF OFFENSE TYPES

<i>Offense Type</i>	<i>Offenses included</i>
Violent	Willful homicide, rape (including attempted criminal sexual penetration), robbery (including attempts) and aggravated assault/battery.
Other person crimes	Child abuse (not resulting in death or great bodily harm), assault/battery (not aggravated); negligent homicide; DWI-related homicide; great bodily harm by vehicle; obstructing/harassing person, stalking, kidnapping; possession/manufacturing/distribution of child pornography; sexual assault (not rape); voyeurism
Weapons DWI	Possess/carry/transport/negligent use of weapons; possession of explosives; stolen firearm Driving while intoxicated
Drug	Possession of drug paraphernalia, drug possession, attempt to distribute, distribution
Public order and other	Crimes against society/order. Includes interference w/the administration of justice (e.g., evading police, fugitive from justice, escape); traffic offenses; aiding/harboring felons or fugitives; contributing to delinquency of a minor; failure to give information or aid; tampering with evidence; bribery; bringing contraband into jail; tax evasion; illegal hunting; animal cruelty; gaming violations

## DEFINITION OF CASE OUTCOMES

<i>Outcome</i>	<i>Definition</i>
<b>Prosecutor dismissed</b>	The prosecutor enters a <i>nolle prosequi</i> for all charges in the case. The case may be dismissed with or without prejudice. If dismissed with prejudice, the case cannot be refiled.
<b>Consolidated</b>	In these cases, the prosecutor dismissed the current case because it was consolidated with another case for adjudication. Typically, this occurs as part of a plea deal.
<b>Court dismissed</b>	This includes cases dismissed because the judge discharged the case, entered a directed verdict, or the defendant was acquitted of the charges.
<b>Sanctioned</b>	This includes convictions based on plea agreements, trial by jury or bench trial. This also includes cases involving a deferred sentence and conditional discharge, pre-prosecutorial diversion, and non-penalty assessments.
<i>Deferred sentence</i>	<i>The defendant enters a guilty or no contest plea and the judge defers imposing the sentence. Upon successful completion of probation, the judge dismisses the criminal charges though the conviction remains on the defendant's record.</i>
<i>Conditional discharge</i>	<i>There is no adjudication of guilt. Upon successful completion of probation, the judge dismisses the charges and discharges the case; no conviction is recorded in the case.</i>



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More information is available in the full-length version of this report.

The full report can be obtained by contacting:

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