



New Mexico Statistical Analysis Center



Felony Case Processing

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Introduction

Felony criminal cases in New Mexico progress through multiple steps. New Mexico has a two-tiered system. Cases are typically initiated in the lower courts and bound over to the district court for felony prosecution after a finding of probable cause. Not all cases are bound over, however, and whether adjudication occurs is dependent on decisions made along the way. These decisions influence the trajectory and outcomes of the case.

Prosecutors play a key role in this process. They 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. Further, restrictions imposed due to COVID-19 altered some court processes. All of these factors can also influence the time that it takes to reach resolution on a court case.

The current report is a part of a multi-part study on criminal case progression in the state of New Mexico. This report tracks the progression and outcomes of a sample of felony court cases initiated in magistrate and metropolitan courts across the state between January of 2017 and June of 2021. It also explores time to disposition and how the charges associated with a case change as the case progresses through the courts.

Case Trajectory and Outcomes

There are many decisions and circumstances that influence the trajectory and outcomes of a case. Prosecutors are key actors in this process. They decide whether or not 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 examination¹ or grand jury; and whether to offer a plea bargain. These decisions, though, are constrained by a range of factors. The evidence available and witness cooperation are key considerations driving prosecutorial decision-making. In addition, other actors in the criminal justice system play a role. For instance, judges may dismiss a case based on its merits or for procedural violations. The defense attorney and defendant may alter the course of the case by contesting evidence and accepting or rejecting pleas.

While prosecutors play a significant role in the life of the criminal case, prosecutorial discretion is also constrained and influenced throughout the case processing. Prosecutor's decisions are determined by local legislation and policy; for example, jurisdictions may have different sentencing guidelines, and prosecutors' and judges' perceptions of their constituencies can alter their courtroom decisions (Hodgson and Roberts, 2012; Merritt, 2022). Their discretion is also influenced by relationships with judges and other attorneys, the evidence available in a given case, and their own career aspirations and the political climate of a given geographic region (Hodgson and Roberts, 2012; Merritt, 2022).

Other factors shape the processing and trajectory of cases as well. For instance, the volume of criminal cases vary across districts, as do norms governing processes. All of these factors can influence the ultimate outcome of the case and time that it takes to progress through court. This section reviews the key steps in the progression of a criminal case, highlighting the role of the prosecutor and other factors.

Whether to Pursue Prosecution

The typical felony case begins when the investigating police officer presents a complaint (or arrest warrant) and a statement of probable cause (or affidavit in support of arrest warrant) to a magistrate or metropolitan court judge. The prosecutor reviews the file to determine whether to pursue the case, and if so, which charges to file. If the prosecutor does not dismiss the case, it proceeds to a first felony appearance (arraignment) where the defendant is advised of their rights.

Which Charges to File and Pursue

The charges in a criminal case can change throughout the life of the case. For example, the prosecutor may amend felony charges to misdemeanors if they determine felony charges are not warranted. If the prosecutor amends all charges to misdemeanors, the case is resolved in lower court. Prosecutors can also dismiss some or all charges as the case progresses.

Initiation of Felony Charges in District Court

In New Mexico, the lower court does not have jurisdiction over felony cases. Therefore, if the prosecutor pursues felony charges, they must then initiate the case in district court for adjudication. In order for this to occur, there must be a determination of whether there is sufficient evidence (probable cause) to justify bringing the defendant to trial on felony charges. Prosecutors may have a choice about how to pursue the initiation of the case in district court.

Prosecutors file felony cases in New Mexico district courts in one of two ways: information or indictment. Prosecutors file an information in district court following a preliminary examination (or waiver of preliminary examination) presided over by the lower court judge; an indictment occurs when the case is heard by a grand jury who returns a “true bill” (New Mexico Constitution, Article II, Section 14; N.M. R. Crim. P. Dist. Ct. 5-201). There is substantial debate around the merits and drawbacks of these two methods for initiating district court cases. Refer to our earlier report for a more detailed overview of this controversy (Denman and Sandoval, 2023).

While prosecutors have some choice about the type of case initiation to pursue, in New Mexico, this is dependent on the resources and options available in their district. Although all judicial districts in New Mexico offer preliminary examinations, some use both preliminary examinations and grand juries (see Denman and Sandoval, 2023). Just 46%, though, use grand juries with any regularity; the use of grand jury as a method of case initiation is most prevalent in the First, Second, and Third Judicial Districts (ibid). Notably, these districts are located in the most populous New Mexico counties (Santa Fe, Bernalillo, and Doña Ana, respectively). Further, in districts that favor preliminary examination hearings, a substantial proportion of cases proceed after a waiver of preliminary examination.¹ The decision to waive the hearing is made by the defendant in conjunction with their defense attorney, with agreement by the prosecutor.

¹ Waivers of preliminary examination can comprise a significant majority of cases bound over to district court. A prior study we conducted found that waivers were used in up to 91% of cases bound over to district court in districts that do not use grand juries, and 32% of cases that do (Denman & Sandoval, 2023).

Plea Bargains

Another key decision that impacts the trajectory of cases is plea bargaining. Prosecutors can decide whether or not to offer a plea bargain to resolve a case. This can occur at any point. If the defendant accepts a plea bargain and the defendant and judge agree to it, the case does not go to trial.

Plea bargains are very common. A study by the Vera Institute of Justice estimates that 90% of criminal convictions nationwide come about through plea bargains, and that pleas are associated with a reduction in charges (Subramanian et al., 2020). In New Mexico, like other parts of the country, most charges are disposed of via a plea agreement.

Plea bargains are efficient in that they preclude the need to hold a trial, reducing the workload of prosecutors, defense attorneys, and judges alike (Garrett, et al., 2023; Merritt, 2022; Subramanian et al., 2020). The use of plea bargains has faced criticism, however, for coercing defendants into admissions of guilt to avoid the risk of long sentences that going to trial may hold (Garrett et al., 2023; Subramanian et al., 2020). They also can reduce transparency in the criminal justice system by moving negotiations around a plea deal into private rather than public spaces (Merritt, 2022). Further, legal scholars and policy analysts have expressed concern that prosecutors may overcharge defendants in order to facilitate a plea bargain (Gershman, 2010; Subramanian et al., 2020). Overcharging occurs when a prosecutor files charges that are not supported by the evidence.

COVID-19

COVID-19 resulted in changes in the criminal justice system, potentially influencing the trajectory and outcomes of cases. In New Mexico, the governor announced a statewide stay-at-home order on March 23, 2020. The New Mexico Supreme Court issued rules guiding court proceedings during the pandemic; these rules were amended multiple times as the pandemic progressed. Early rules (e.g., 20-8500-042) required hearings to be held remotely unless the presiding judge required in-person hearings with adequate justification. They further specified that some civil and criminal jury trials be suspended. The courts in the 2nd Judicial District where the number of COVID-19 cases was greatest in the state, for example, suspended jury trials until October 29, 2021. Therefore, the suspension was still in effect at the end of the present study. Other districts within the state also paused jury trials, but some continued operating with juries. During this period, the use of grand juries as a method for bindover was curtailed (see Denman and Sandoval, 2023). We expect that prosecutors may have prioritized and pursued cases differently during this crisis. The present study examines whether and how the COVID-19 outbreak influenced the types of cases that are pursued, and the progression of criminal cases through the system, time to resolution, and amendment of charges.

Time to Resolution

In addition to exploring the progression and outcomes of criminal cases through the courts, understanding the time it takes for criminal cases to reach resolution is important. Case processing time varies widely and cases often take a long time to adjudicate, with consequences for those facing criminal charges (Ostrom, Hanson, & Kleiman, 2018). There are a number of reasons that some cases take longer than others to resolve. Time to resolution can be delayed as a result of factors related to the individual case, or to organizational factors related to the caseload of prosecutors and judges, available resources, and more (ibid).

Some studies suggest that individual cases vary in time to resolution based on the type of crime and the manner of disposition. For instance, Ostrom, Hamblin, Schauffler, and Raaen (2020) and Rempel et al

(2016) found that homicides take the longest to resolve. While the time to resolution varies considerably across judicial districts and courts, this proportionality of time to resolution for different types of offenses tends to remain consistent (Rempel et al., 2016). In addition to the severity and the complexity of the case (Ostrom et al., 2018), case progression and the way that the case is disposed impacts the time to case resolution. Cases resolved in lower courts as misdemeanor charges take much less time than felony charges, which progress to higher courts (Rempel et al., 2016). Although plea bargains have a series of drawbacks, cases disposed via plea agreements tend to have shorter case processing times (Ostrom, Hanson, and Kleiman, 2018; Rempel et al., 2016). Cases which are dismissed also tend to be resolved faster.

Some studies indicate that factors related to the jurisdiction and even the individual court can also impact the time to resolution (Rempel et al., 2016), although other research shows that characteristics of the court or community are not predictive of the time to case resolution (Ostrom et al., 2018). A 2016 study by the Center for Court Innovation, however, found that courts' average time of adjournment between trials, the percent of cases decided at trial rather than via plea agreements, DNA-related backlogs, and availability of alternatives to incarceration options do significantly predict a given courts' average time to case resolution (Rempel et al. 2016). Further, Ostrom et al., (2020) found the number of hearings and continuances in a case were the most influential factors associated with time to resolution. Finally, research by the National Center for State Courts (NCSC) also shows that preliminary examinations are more time- and cost- efficient than grand jury hearings, indicating that districts which use grand juries may see systematically longer time to case resolution (NCSC 2009).

Purpose of Study

There is a broad body of literature examining the role of prosecutorial discretion in case processing at various points in the court process. Research exploring case processing and the potential influence of prosecutorial discretion in New Mexico has been much more limited (e.g., Denman, 2023). Thus far, there has not been research on the processing of cases and the trajectory of charges across all New Mexico districts.

Additionally, the time that it takes to resolve a court case likely varies based on a number of both individual and contextual factors. While some research in New Mexico has explored time to resolution across various jurisdictions (see. e.g, Denman, 2016) or for particular offenses (e.g., Freeman, Watkins & Adams, 2009), this has not been examined across the state for all felony offense types.

In this report, we work to fill these gaps and to build on existing research by generating case processing statistics for a sample of felony cases initiated in the lower courts between January 2017 and June 2021. This study tracks the number and proportion of cases that progress through each stage in the system. It explores time to resolution across the state for cases that end in lower court and for those that continue to district court. The study also examines changes in charging at multiple stages: filing, after plea, and at disposition at both lower court and district court (if applicable). It explores whether case progression, time to resolution, and charge progression differ by offense type at filing, district, and jurisdictional characteristics, and by whether the COVID-19 pandemic played a role. We include case initiation type (grand jury or preliminary examination) as a key variable in this analysis.

Specifically, this study explores the following:

A. What happens in the life of a felony case?

1. What proportion of all felony-level cases initiated and disposed in the magistrate or metropolitan court result in charges filed at the district court level?
2. What percentage of cases result in conviction in lower court and district court and how are these resolved (plea bargain or trial)?
3. How do the above measures vary by:
 - a. Most serious offense type and degree at filing
 - b. Jurisdiction and characteristics of jurisdictions
 - c. COVID-19-related restrictions

B. What is the average time to resolution?

1. How does time to resolution vary by:
 - a. Case progression
 - b. Case outcome
 - c. Most serious offense type and degree at filing
 - d. Jurisdiction and characteristics of jurisdictions
 - e. COVID-19-related restrictions

C. What happens with the charges in a felony case?

1. Do the most serious offense type and degree change as the case progresses?
2. Does the number of charges change as the case progresses?
3. How do the above measures vary by:
 - a. Most serious offense type and degree at filing
 - b. Jurisdiction and characteristics of jurisdictions
 - c. COVID-19-related restrictions
4. Which types of charges are most likely to be dismissed?

Data and Methods

This study uses a sample of cases filed and disposed in magistrate or metropolitan court (referred to as “lower court” throughout this report) between January 1, 2017, and June 30, 2021.² From this pool of cases, we identified felony cases based on (1) case type and (2) degree of offense.³ We then excluded all extradition cases: those where another state has extradited the defendant to try them in a different jurisdiction. This resulted in a total population of 93,700 cases. From this, we stratified the data by county and selected a random 25% sample from each county. The initial sample used in the current study consisted of 23,423 cases. A table comparing the universe of felony cases to those in the sample is available in Appendix A.

² New Mexico uses a two-tiered system to prosecute felony cases. Cases typically begin in a lower court (metropolitan court if in Bernalillo County, or magistrate court in the remainder of the State).

³ Degree of offense reflects the degree at filing; this may not be the degree of the offense as determined by the arresting agency.

After selecting the sample, we merged the lower court sample data with a dataset of all the district court cases disposed between January 1, 2017, and December 31, 2022. This includes only district cases in which the prosecutor pursued adjudication of the criminal charges in the case. Thus, it excludes district court cases filed to determine whether defendants should be detained pretrial, extradited to another state, or cases that were adjudicated in lower court but sentencing was incorporated into an existing district court probation violation case. We matched cases in the sample first by personal identifiers and offense dates, and then loosened the criteria for non-matches to get a wider pool of possible matches (e.g., using Soundex names⁴). From that, we then determined (1) whether the person was a match (e.g., last name, date of birth) and (2) whether the case was a likely match (e.g. offense date and offense types matched). Additionally, we received a dataset that includes all cases filed over the last ten years and identifies any associated cases. While this dataset is very helpful and resulted in additional matches, the associated cases are not always the corollary district cases (or “bindover cases”) and sometimes the bindover cases are not listed. Using this combination of datasets and methods, we identified the bindover (district court) case associated with each lower court case.

The dataset we used provides information on three event types: filing, plea, and disposition. Each of these can occur at the lower court and district court. Therefore, there are six key points at which we assess changes in charges. Note that not all cases had information about the plea for every charge; this may occur especially when there is “no plea” which frequently occurs in a felony case in the lower courts. If the charge progressed to the disposition stage, regardless of the outcome at disposition, it was recorded in our dataset as that charge at the time of the plea event. This means, for example, that charges would be included at the plea event even if they were dismissed at disposition.

Key variables used throughout this study include most serious offense type and degree; case disposition; jurisdiction characteristics, and onset of COVID-19 restrictions. Appendix B provides details about the variables used in this study.

Results

Using data from the courts, this report examines how cases progress through the New Mexico courts, what the outcomes of those cases are, how long it takes before cases are resolved, and how the charges associated with a case evolve as the case progresses. Specifically, the first section explores how cases progress through the lower courts and district courts in all 13 judicial districts in New Mexico. It begins with an overview of the progression of cases through the courts system, followed by an analysis of whether various case characteristics are associated with case progression.

The next section examines the outcomes of disposed cases. Particular attention is paid to whether cases are dismissed, and if so, by whom (the prosecutor or the courts). Included is an analysis of how cases are disposed. This section explores whether and how case outcomes overall and by level of court vary by case characteristics.

Following this is an exploration of time to case disposition, overall and by court level. This assesses time to disposition by progression of the case, case outcomes, most serious offense, characteristics of the jurisdiction, and COVID-19 restrictions.

⁴ Soundex is an index of coded names which is [used by the Census](#) to find names that may have been misspelled.

The last section explores the progression of charges in disposed felony cases. Because many cases have multiple associated charges, there are fewer cases than there are charges. For this reason, this section analyzes data first at the case level by exploring whether the most serious offense and number of charges change over the course of the case. The second set of analyses examines the data at the level of the charge, focusing on which charges are dismissed and which continue. As with the prior sections, this set of analyses explore whether charges differ systematically depending on the offense type, the progression of the case, the characteristics of the jurisdiction, and COVID-19 restrictions.

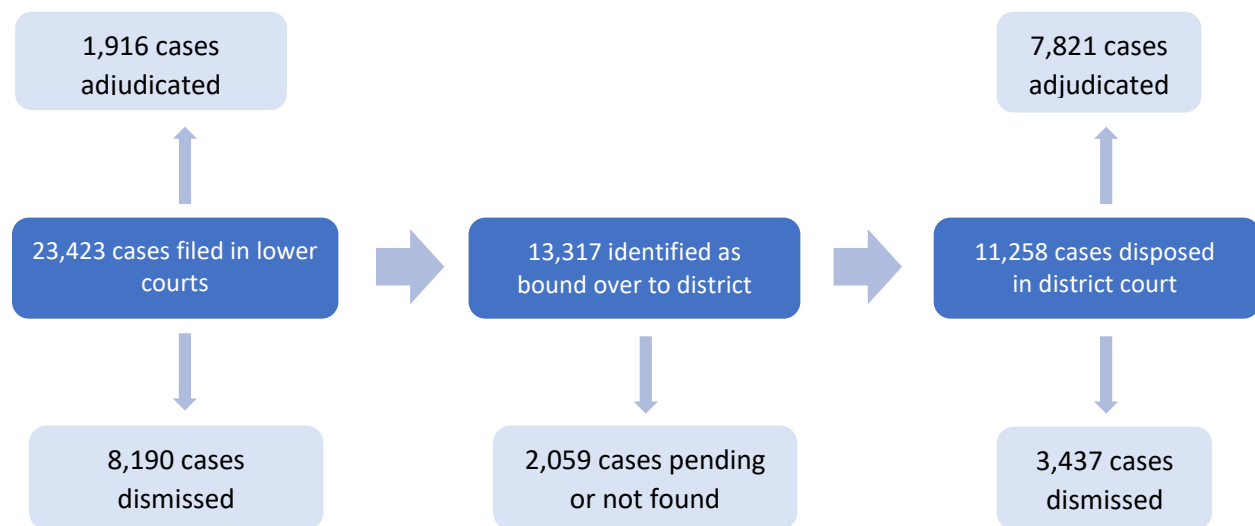
I. Case Processing

All the cases in this sample began in the lower courts—either the magistrate court or, in the case of the 2nd District in New Mexico, the metropolitan court.⁵ Throughout the life of the case, individual charges may be dismissed or may progress with the case; the analyses in this section focus on what happens in the case overall. If there is a finding of probable cause in the lower court, the case is bound over to the district court. Cases may be bound over by the filing of an information after a preliminary examination or waiver of preliminary examination, or by indictment via a grand jury.

Case Progression Overview

Among the 23,423 cases filed by prosecutors in this sample, 13,317 (57%) were bound over to district court. Of these, 11,258 (84%) cases were ultimately disposed in district court, 3,437 (31%) of which were dismissed and 7,821 (69%) of which were adjudicated. Adjudicated cases may have resulted in a conviction, an acquittal, or a conditional discharge. The remaining 2,059 (16%) cases were either still pending at the conclusion of the study period or were not found in our data.⁶ Figure 1. below summarizes this progression through lower and district courts.

Figure 1. Felony Case Progression Overview



Case Progression by Offense Characteristics

Case characteristics may influence the progression of a case through the criminal justice system, including the type and degree of offense. This section explores whether the type and degree of the most serious offense charged is associated with the way each case progresses through the criminal justice system.

⁵ While the vast majority of felony cases begin in the lower courts, there are some exceptions.

⁶ Most cases that were not found were likely still pending adjudication in district court. A spot-check of these cases found this to be true.

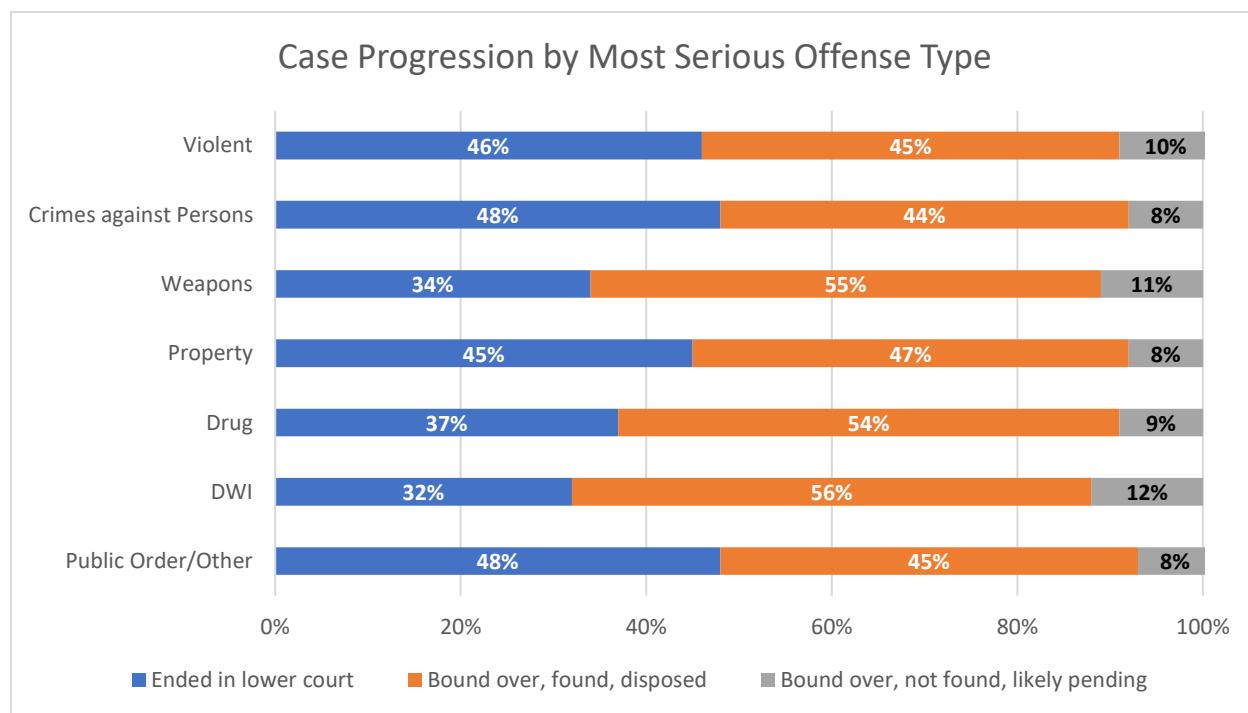
Case Progression by Type of Most Serious Offense

Figure 2 illustrates whether a case ended in lower court, was bound over and disposed, or was bound over and pending by the type of most serious offense.

The proportion of cases that ended in lower court ranged from a low of 32% (for DWIs) to a maximum of 48% (for both crimes against persons, and public order or other charges). This indicates that DWI cases were most likely to be bound over, closely followed by weapons (34% of weapons cases ended in lower court) and drug offenses (34% ended in lower court). A greater proportion of violent cases ended in lower court (46%) as did property offenses (45%), indicating that prosecutors were less likely to seek or secure a finding of probable cause necessary for bindover in these cases.

Most cases that were bound over to district court were disposed by the time data collection was complete. Only a small percentage of cases overall were still pending at the end of the study. This varied somewhat by offense type, with a low of 8% (crimes against persons, property, and other or public order offenses) to a high of 12% (DWI) of cases that were bound over but likely pending. Full results are shown in Figure 2 below.

Figure 2. Case Progression by MSO Type



N=23,423

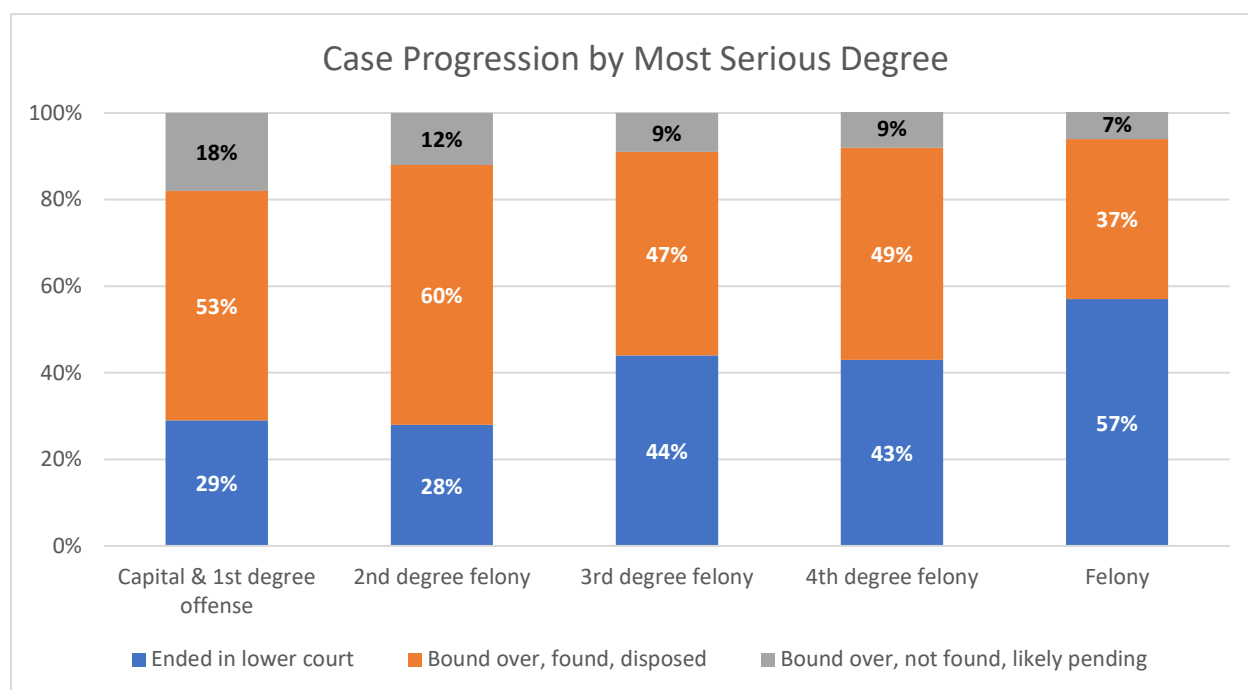
Case Progression by Degree of Most Serious Offense

The severity of the degree of the most serious offense may also influence the progression of cases through lower and district courts. As one might expect, cases involving charges with higher offense degrees were generally more likely to be bound over and less likely to end in lower courts compared to

those with lower degree charges. Just under one-third of cases involving a 2nd degree felony or higher ended in the lower court. Felonies of an unspecified degree were most likely to end in lower court (57%).

Whether the case was still pending in district court is associated with the degree of the most serious offense. While 7% to 9% of cases involving a 3rd degree offense or lower were still pending at the time of the study's closure, 18% of those involving a 1st degree or capital offense were still pending. This is likely due to the complexity of these cases.

Figure 3. Case Progression by Degree of MSO



N=23,423

Case Progression by Judicial District Characteristics

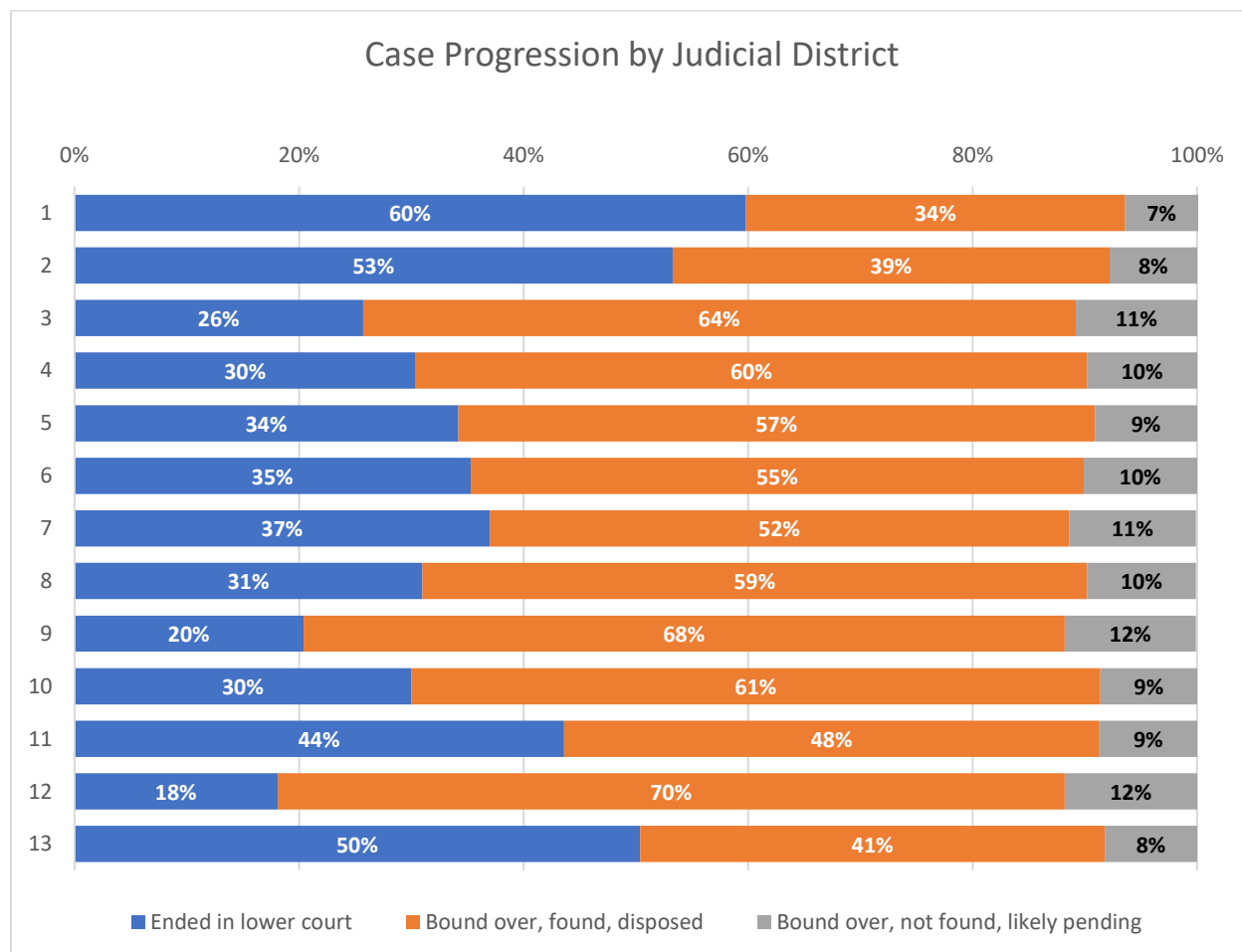
Jurisdictions can vary considerably in the way that they process court cases. This section explores case progression by judicial district, urbanity of the district, and the use of preliminary examinations or grand jury indictments in that jurisdiction.

Judicial District

The progression of cases varies greatly by judicial district, as illustrated in Figure 4. Some districts had large proportions of cases that ended in lower court. For instance, 60% of cases in the 1st Judicial District ended in lower court; the 2nd District (53%) and 13th District (50%) had similarly high proportions. In contrast, just 18% of cases in the 12th District ended in lower court. This proportion was also low in the 9th (20%) and 3rd (26%) Districts. Thus, cases originating in the 9th and 3rd Districts were much more likely to be bound over to district court than those originating in the 1st, 2nd or 13th Districts. The rate of

pending cases varied somewhat by district as well. While just 7% of cases were pending in the 1st District, 12% were still pending in the 9th and 12th Districts.

Figure 4. Case Progression by Judicial District



N=23,423

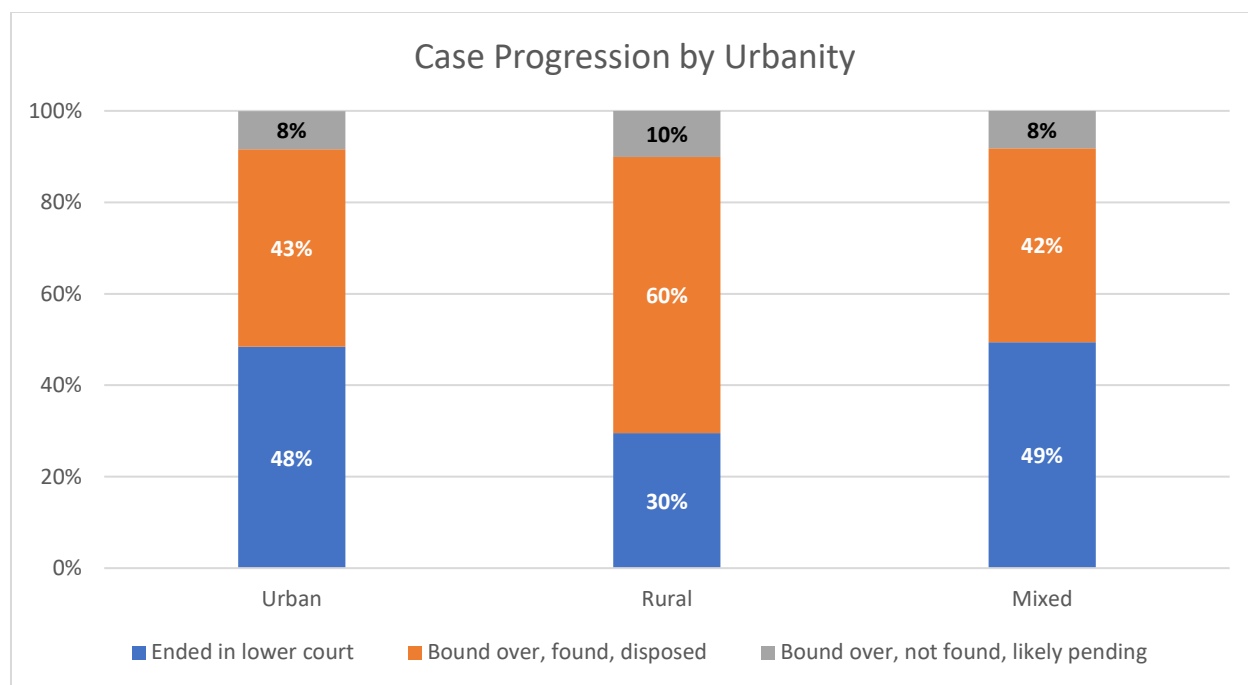
Urbanity

Courts may handle cases differently in urban areas compared to those situated in rural areas. This section analyzes case progression by the urbanity of districts along three categories: urban districts, rural districts, or “mixed” districts that include both urban and rural counties.

Rural districts were considerably less likely to end cases in lower courts (30%). In urban districts, by contrast, 48% of cases ended in the lower courts. A slightly greater proportion (10%) of cases originating in rural districts were still pending compared to those originating in urban districts (8%). Mixed districts looked very similar to urban districts in the distribution of cases across these outcomes.

Figure 5 shows the progression of cases by the urbanity of districts in our sample.

Figure 5. Case Progression by Urbanity



N=23,423

District Use of Grand Juries

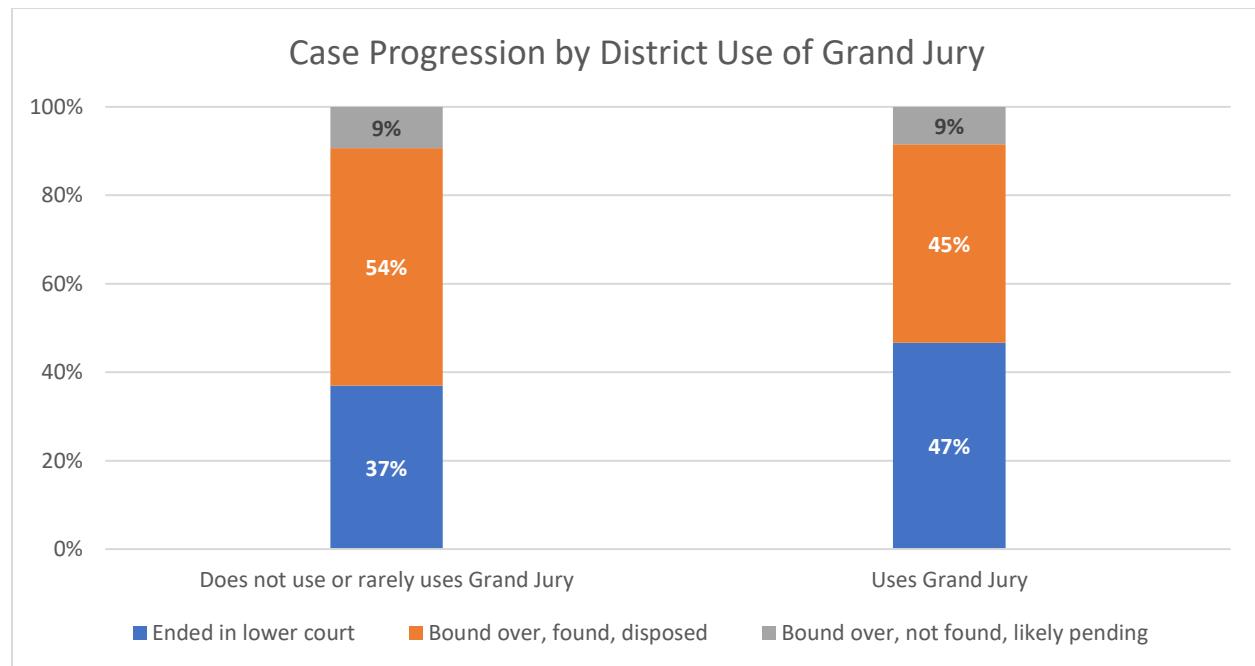
A key research question is whether the avenue through which a case is bound over—preliminary examination or grand jury—influences the trajectory of court cases. While the data are not sufficient to analyze whether cases were bound over via preliminary examination or grand jury at the level of the individual case, we can assess case outcomes by the district-level use of preliminary examinations compared to grand juries. In New Mexico, based on a small random sample of 410 cases and information from the district courts, 10 counties do not use grand juries at all and 9 use grand juries in at least 10% of cases, with six of those using grand juries at least 50% of the time. The remaining counties have the capacity to hold a grand jury, but rarely do so. At the district level, this translates to 54% of districts that never or rarely use grand juries, and 46% who sometimes or always use grand juries.⁷

Districts that use grand juries were considerably less likely to bind cases over to district court, with 47% of cases ending in the lower courts. In comparison, 37% of cases ended in lower courts in districts that never or rarely use grand juries. Regardless of whether the district used grand juries, the same proportion (9%) were likely bound over but still pending at the end of our study.

Figure 6 illustrates the progression of cases by whether a given district uses grand juries.

⁷ Included in the 46% are grand juries are those districts that have at least one county that uses grand juries at least 25% of the time; most have counties that use grand juries at least 50% of the time.

Figure 6. Case Progression by District Use of Grand Jury



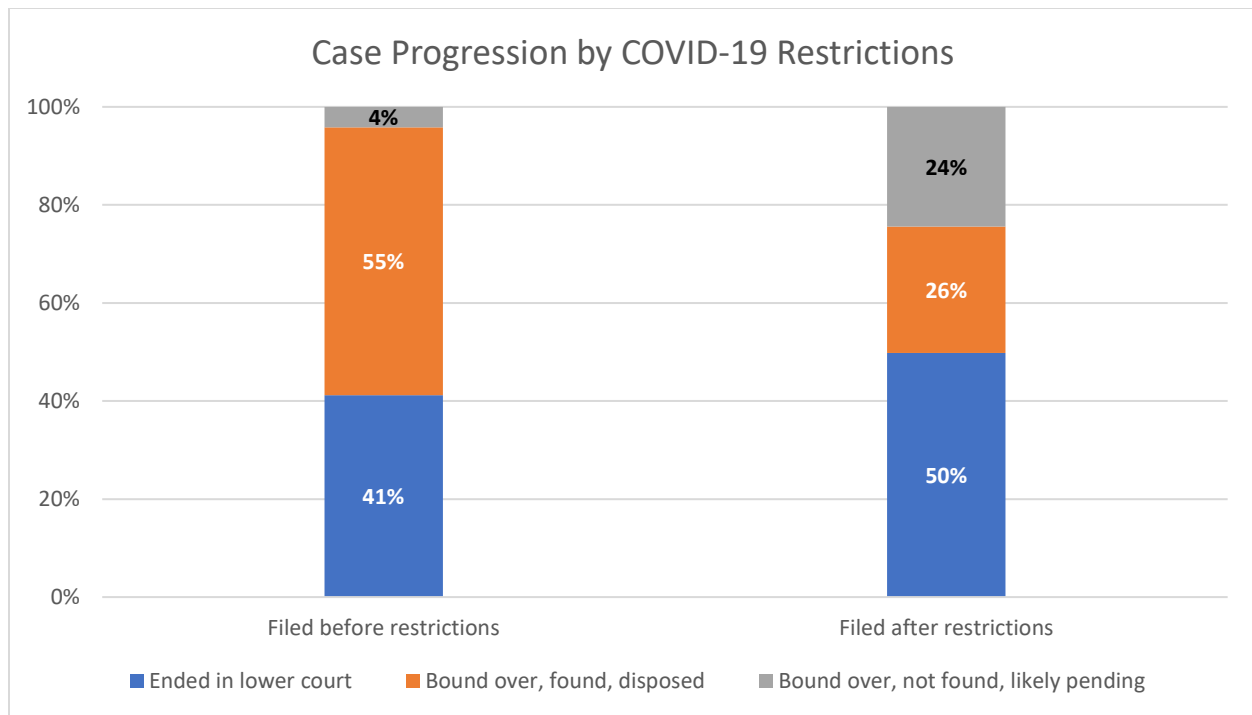
N=23,423

Case Progression by COVID-19 Restrictions

Court operations changed drastically when the COVID-19 pandemic began, leading to statewide restrictions on court hours and procedures. In particular, the use of grand juries was significantly curtailed during the pandemic (Denman and Sandoval, 2023), and many hearings moved to virtual rather than in-person settings.

Figure 7 displays the progression of cases before and after COVID-19 restrictions went into effect in March of 2020. Restrictions remained in effect through the end of our study period. A larger proportion of cases ended in the lower courts after restrictions (50%) compared to before (41%). For those cases filed before restrictions, 55% were bound over to district court and disposed, while just 4% were pending disposition. After restrictions, 26% of cases which were bound over and disposed; another 24% of cases were likely bound over but still pending. While a greater proportion of cases initiated after COVID-19 restrictions were still pending disposition compared to those initiated pre-COVID-19, at least some of this discrepancy can be attributed to the study observation period. Cases initiated pre-COVID-19 were in the study longer than those initiated post-COVID-19.

Figure 7. Case Progression by COVID-19 Restrictions



N=23,423

II. Case Outcomes

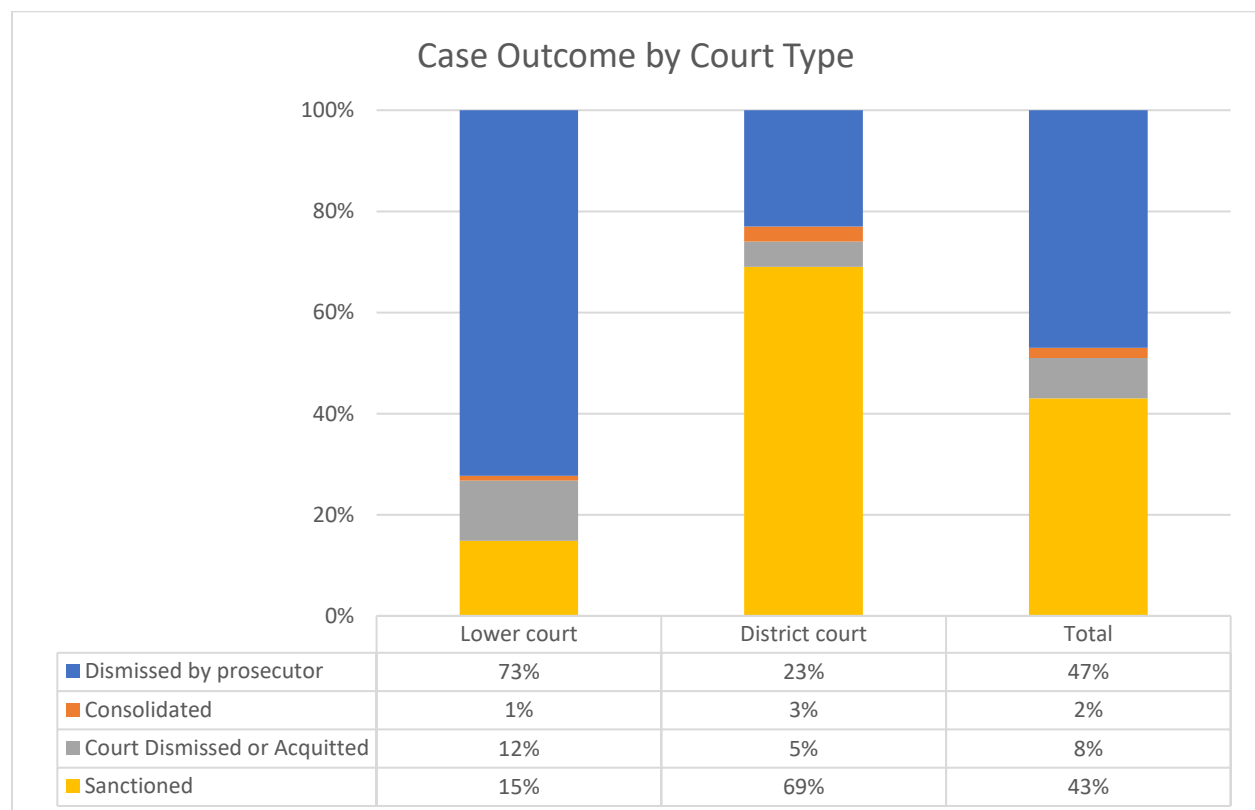
This section explores the outcomes of felony cases in this sample. As such, the analyses focus on only those cases that were disposed by the end of the project period. Thus, the 2,059 cases still pending disposition or that could not be found are excluded here. The remaining sections of the report also include only disposed cases.

Overview of Case Outcomes

Overall, 43% of cases resulted in some sort of sanction, typically a conviction.⁸ This varied by court level. Just 15% of cases that ended in lower court were sanctioned there, compared to 69% of those that ended in district court. If the case was not sanctioned, it was most often dismissed by the prosecutor, with no further action. Prosecutors dismissed a very small proportion of cases because the case was consolidated with another pending case (1% of lower court cases, 3% of district court cases, and 2% overall).

Figure 8 summarizes case outcomes.

Figure 8. Case Outcome by Court Type



N = 21,364

⁸ "Sanction" includes plea and trial convictions, conditional discharges, deferred sentences, and, in the lower courts, also includes pre-prosecutorial diversion and non-criminal sanctions.

Case Outcome by Court Type

Cases may ultimately be disposed in the lower court or bound over to district court for disposition. In both lower and district courts, cases may be disposed of in multiple ways.⁹ Prosecutors may dismiss the entire case with no further action, or they may dismiss the case because it is consolidated with another case. The court may discharge the case based on the merits of the case, or they may dismiss the case if the defendant is found incompetent or dies prior to disposition. Alternatively, the defendant may be ordered to a conditional discharge prior to an adjudication of guilt or the prosecutor may offer to divert the defendant. If adjudicated, the judge could enter a directed verdict or the defendant may be acquitted of the charges. The defendant could be convicted via a plea bargain or trial (jury or bench), and may be given a deferred sentence (upon completion of probation, the charges are dismissed though the conviction remains).

In this sample of cases between 2017 and 2021, 21,364 cases were filed and disposed in lower court. Of these disposed cases, 10,106 (47%) ended in the lower court, and 12,258 (53%) were bound over to district court. Among the cases that ended in lower court, prosecutors or the courts dismissed 8,190 (81%) cases; prosecutors dismissed most of these (90%, n=7,375) without further action (the case was not reopened later). Prosecutors filed for dismissal in 62 (1%) dismissed cases because the defendant either the current case was consolidated with other cases or the defendant pled to another case. The courts dismissed the remaining cases; in 4% (n=268) of those, the defendant either passed away or was deemed incompetent. In 6% (n=465) of dismissed cases, the court dismissed the case for some other reason (e.g., procedural violations).

Judges adjudicated 1,590 (16%) cases that ended in lower court. Of these, judges found no probable cause to support felony charges (7%, n=117) or acquitted the defendant on misdemeanor charges (0.4%, n=7, six of these after a trial). The remaining cases resulted in some sort of sanction. Most often, the defendant pled guilty (75%, n=1,188). In an additional 243 (15%) cases, the defendant was sentenced to a conditional discharge or deferred sentence (two of these after a trial). Fewer than 3% of cases resulted in some other sanction: a conviction at trial (n=14, 1%); a non-criminal adjudication, such as a fine (n=6, 0.4%); or pre-prosecution diversion (n=15, 1%). In 3% of cases (n=326), the case was transferred to district court either to determine competency or for pretrial detention, but there was no further action in the case.

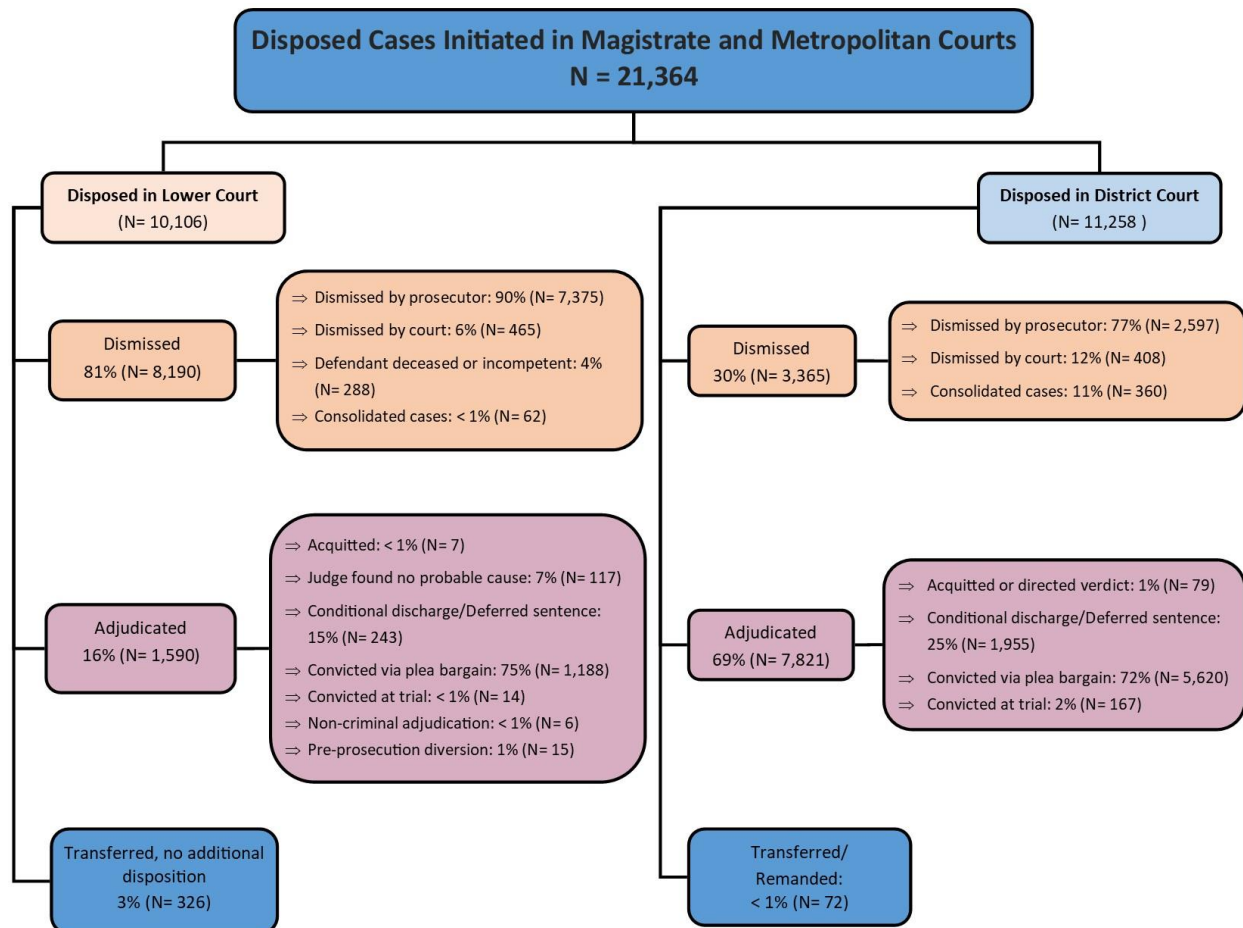
The remaining 12,258 cases were bound over to district court. Of these, 3,365 (30%) were dismissed, and 7,821 (59%) were adjudicated. Prosecutors initiated case dismissal without further action in the majority of dismissed cases (77%, n=2,597), with an additional 11% (n=360) dismissed because the defendant pled in another case or the case was consolidated with another case. The court dismissed 12% (n=408) of cases that moved to district court and were dismissed.

Judges adjudicated 7,821 (69%) cases that moved to district court and were disposed. Like cases adjudicated in lower court, most resulted in a conviction via plea bargain (72%, n=5,620), followed by a deferred sentence or conditional discharge (25%, n=1,955; just 29 of these following a trial). Just 2% (n=167) of cases resulted in conviction after a jury trial, and 1% (n=79) were acquitted with most acquittals (n=71) after a trial was held. An additional 72 cases (1%) were transferred or remanded back to the lower courts for further disposition.

⁹ See Table B.3. in Appendix B for definitions of outcomes.

Figure 9 below illustrates the multiple ways that cases in our study were disposed.

Figure 9. Detailed Case Outcomes in Lower and District Court



Case Outcome by Type of Most Serious Offense

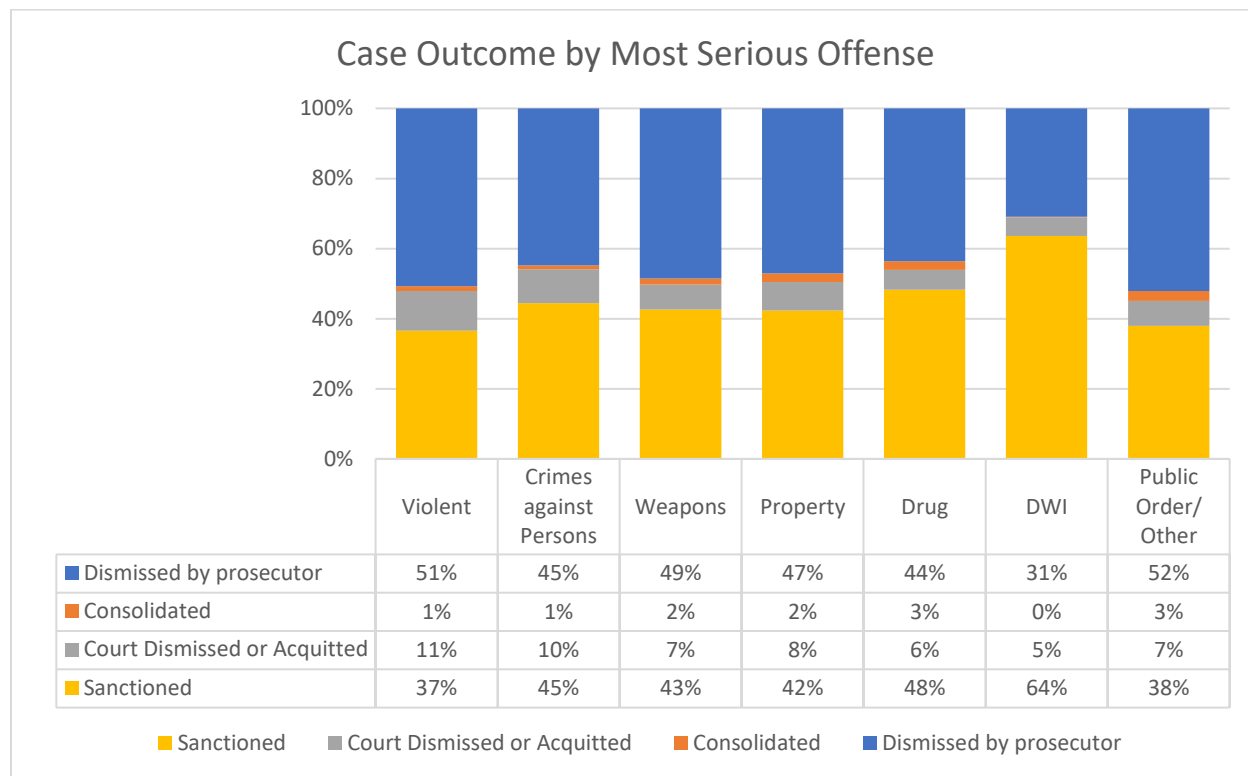
Case outcomes varied by the type of most serious offense (MSO) associated with the case. As in the preceding sections, MSO is divided into seven categories: UCR violent offenses (homicide, rape, robbery and aggravated assault), crimes against persons, weapons offenses, property offenses, drug offenses, driving while intoxicated (DWI) offenses, and a combined category of public order and other offenses.

DWI offenses were most likely to result in some sort of sanction (64% of DWIs filed) while violent offenses were least likely to be sanctioned (37%), followed by public order and other offenses (38%). Public order/other offenses were most likely to be dismissed by the prosecutor (55%) while DWIs were least likely to be dismissed (31%). Cases involving a public order or other offense, drug offense, or property offense had higher rates of prosecutor dismissals due to pleas or consolidation with another case; still, these comprised less than 3% of cases in each category. There were also variations in court dismissals by most serious offense. Rates of court-initiated dismissals were highest for cases involving

violent crimes (11%) followed by crimes against persons (10%). Conversely, the court dismissed just 5% of DWI cases and 6% of drug cases.

Figure 10 illustrates these findings.

Figure 10. Case Outcome by MSO Type



N = 21,364

The variance in case outcomes by most serious offense may differ across the court levels. Thus, this section examines case outcomes by most serious offense for cases that end in lower court as well as those that end in district court.

Depending on the MSO type, prosecutors dismissed between 58% and 79% of cases in lower court without further action. Prosecutors most often dismissed weapons offenses (79%), closely followed by drug offenses (76%) and property offenses (76%). The least likely to be dismissed were DWI cases (58%), followed by crimes against persons (66%). Conversely, the court dismissed cases involving violent offenses most frequently (16%) and DWIs least often (8%). Very few cases were consolidated with other court cases at this point, and none of the cases involving a DWI were consolidated.

The rate at which cases were sanctioned in the lower courts varied considerably by MSO type, with less than 8% of weapons cases ending in a sanction compared to almost 34% of DWI cases. Across the board, plea bargains were the most common form of conviction for cases that ended in lower court. However,

the rate of plea bargain did vary across MSO type, from 5% of weapons offenses resolved via plea compared to 30% of DWIs.

Cases were very unlikely to be convicted via trial in lower court; just 3% of DWI cases resulted in a trial conviction in lower court and 0.3% of crimes against persons. By contrast, no DWIs resulted in a conditional discharge, deferral, or pre-prosecution diversion, though 4% of public order or other cases and 3% of crimes against persons were adjudicated this way.

The distribution of case outcomes was very different in district court, with notably fewer dismissals and more convictions. Despite this, like cases resolved in lower court, the proportion of cases dismissed by the prosecutor was highest for public order and other cases (30%) and lowest for DWI cases (15%). The second most common offense type dismissed by prosecutors in district court, though, was violent offenses.

Dismissal by the court followed a similar pattern to lower court, with DWIs least frequently dismissed (4%) and cases with violent crimes (9%) most often dismissed. District court judges also frequently dismissed cases involving property offenses and public order cases. Rates of case consolidation were low, but much higher than in the lower courts. DWIs were very unlikely to be consolidated with another open case (just .3% were), while 4% of crimes against persons and public order/other offense cases were consolidated with another open case.

Like the lower courts, cases involving DWIs as the MSO most often resulted in some sanction; the rate of sanctions for DWI cases in district court was 81%. The least frequent, though, was public order or other cases (60%) rather than weapons offenses as it was in the lower courts. Sanctions for violent crimes were also on the low end, with 63% of violent cases filed in district court resulting in some sort of sanction.

As in lower court, plea bargains were the most common form of conviction in district court. Anywhere from 44% (violent cases) to 76% (DWI cases) were convicted via plea bargain. Compared to lower court, district court cases were more likely to result in a conditional discharge or deferral; while only 2% of DWI cases had this outcome, 21% of drug cases did. This differs from the lower court, where public order and other offenses resulted in a conditional discharge or deferred sentence more often than cases involving other MSOs.

Full summary statistics are available in Table 1.

Table 1. Case Outcome by Most Serious Offense and Court Type

	Violent	Crimes against Persons	Weapons	Property	Drug	DWI	Public Order/ Other
Lower Court Disposition							
Dismissed by prosecutor	73%	66%	79%	76%	76%	58%	72%
Consolidated	<1%	<1%	<1%	<1%	1%	0%	1%
Court dismissed/ acquitted	16%	12%	13%	12%	9%	8%	9%
Sanctioned	11%	21%	8%	12%	14%	34%	17%
Plea bargain	8%	17%	5%	10%	12%	30%	13%
Trial	0%	< 1%	0%	0%	0%	3%	< 1%
Other¹	2%	4%	2%	2%	2%	0%	4%
N	2,159	1,754	208	2,919	2,039	179	848
District Court Disposition							
Dismissed by prosecutor	28%	22%	30%	20%	22%	15%	31%
Consolidated	2%	2%	2%	4%	4%	<1%	5%
Court dismissed/ acquitted	7%	7%	4%	5%	3%	4%	4%
Sanctioned	63%	70%	65%	71%	71%	81%	60%
Plea bargain	44%	50%	61%	52%	49%	76%	46%
Trial	3%	2%	1%	< 1%	1%	4%	< 1%
Other²	16%	18%	2%	18%	21%	2%	14%
N	2,109	1,602	331	3,080	3,029	313	794

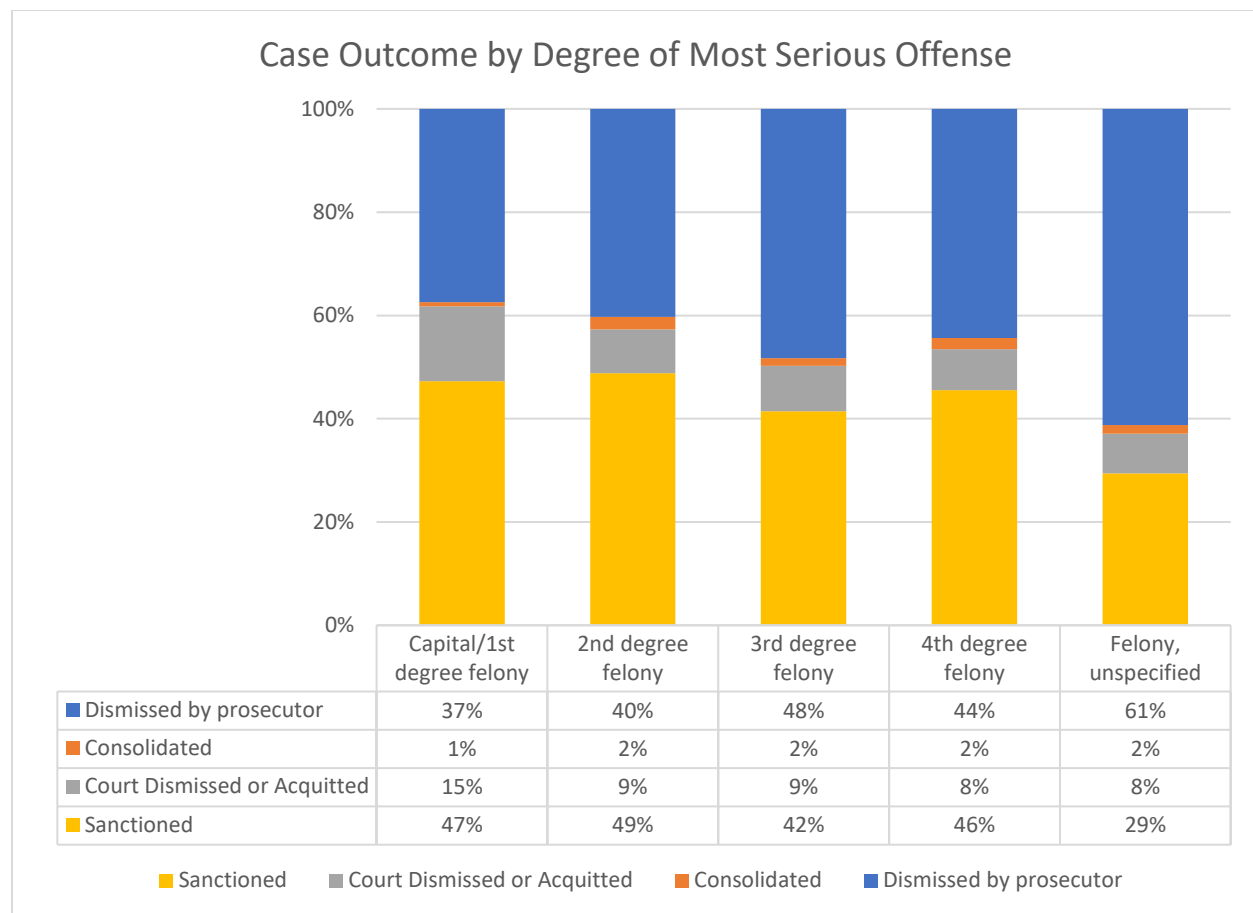
N = 21,364; ¹ "Other" includes conditional discharge, deferred sentence, and pre-prosecution diversion; ² "Other" includes conditional discharge and deferred sentence

Case Outcome by Degree of Most Serious Offense

Next, we look at how case outcomes vary by the degree of the most serious offense. This includes five different degree categories: combined capital offense and first-degree felonies, second-degree felonies, third-degree felonies, fourth-degree felonies, and felonies with an unspecified degree. Note that, while cases often involve multiple charges of different degrees, the present analysis uses the most serious degree associated with the case.

While case outcomes varied by offense degree, there is no clear pattern associating sanction with severity of MSO. However, capital and 1st degree offenses are less likely to be dismissed by the prosecutor (37%), while prosecutors dismissed felonies with an unspecified degree most often (61%). The rate of sanctions was highest for second-degree felonies; 49% of second-degree felonies were sanctioned. Unknown-degree felonies were the least likely to end with some sanction (29%). The courts dismissed 14% of cases involving a capital or 1st degree felony; this was the highest court dismissal rate across degree types.

Figure 11. Case Outcomes by MSO Degree



N=21,364

Table 2 dissects the data further, exploring whether there are differences by level of court. The rate of dismissal by the prosecutor was lowest for capital offenses and first-degree felonies (65%) among cases that ended in the lower court. The rate of prosecutor dismissal was the highest for felonies with an unknown degree; prosecutors dismissed 85% of these cases filed in lower courts. However, the dismissal rate by the court followed a different pattern, with only 9% of unspecified-degree felonies dismissed by the court and 31% of capital and first-degree felonies dismissed by the courts.

While only 5% of capital offenses and first-degree felony cases resulted in a lower court sanction, over 17% of fourth-degree felonies were sanctioned.¹⁰ Most of these were convictions reached via plea bargain.

In district court, the rate of prosecutor dismissal ranged from about 22% for cases involving capital/1st and 4th degree felonies to over 25% (3rd degree felonies). Rates of consolidation with other cases ranged from a low of 1% (Capital offenses/1st degree felonies) to 4% (2nd degree felonies and unspecified

¹⁰ These few cases that began with 1st degree offenses were all convicted on misdemeanor charges/the more serious charges were dismissed.

felonies). The sanction rate ranged from about 65% (felonies of unknown degree) and 71% (capital/1st degree felonies), with no clear pattern by the severity of degree. Notably, though, cases involving a capital offense or 1st degree felony resulted in conviction at trial much more often than cases involving other felonies (10% compared to 2% or less). Less serious felonies resulted in conditional discharges or deferred sentences more often than cases in which the initial filing charges involved more severe felonies. This is to be expected as these options are not available for those accused of a 1st degree felony.

Full statistics are available in Table 2 below.

Table 2. Case Outcome by Degree of MSO and Court Type

	Capital/1 st Degree Felony	2 nd Degree Felony	3 rd Degree Felony	4 th Degree Felony	Unspecified Felony
Lower Court Disposition					
Dismissed by prosecutor	65%	76%	73%	70%	85%
Consolidated	0%	0%	0.3%	0.8%	0.5%
Court dismissed/ acquitted	31%	17%	12%	12%	8%
Sanctioned	5%	7%	15%	17%	6%
<i>Plea bargain</i>	3%	6%	12%	14%	5%
<i>Trial</i>	0%	0%	< 1%	< 1%	0%
<i>Other</i>¹	2%	< 1%	3%	3%	1%
N	128	508	2,330	5,710	1,430
District Court Disposition					
Dismissed by prosecutor	22%	24%	25%	22%	25%
Consolidated	1%	4%	3%	3%	4%
Court dismissed/ acquitted	6%	4%	5%	5%	6%
Sanctioned	71%	69%	67%	70%	65%
<i>Plea bargain</i>	54%	54%	48%	51%	47%
<i>Trial</i>	10%	2%	2%	1%	< 1%
<i>Other</i>²	8%	13%	17%	19%	18%
N	230	1,086	2,477	6,541	924

N=21,364; ¹ "Other" includes conditional discharge, deferred sentence, and pre-prosecution diversion; ² "Other" includes conditional discharge and deferred sentence

Case Outcomes by Judicial District Characteristics

In addition to the type and degree of the most serious offense associated with a case, the characteristics of the jurisdiction may influence case outcomes. This section examines differences across districts, whether the district was urban or rural, and how often that jurisdiction used grand juries compared to preliminary examinations to bindover cases to district court.

Judicial District

Across the State of New Mexico, districts vary considerably in observed case outcomes. Rates of dismissal by prosecutor varied significantly across districts. For example, anywhere between 22% (in the 9th, 10th, and 12th Districts) and 60% (2nd District) of filed cases are dismissed by the prosecutor without further action.

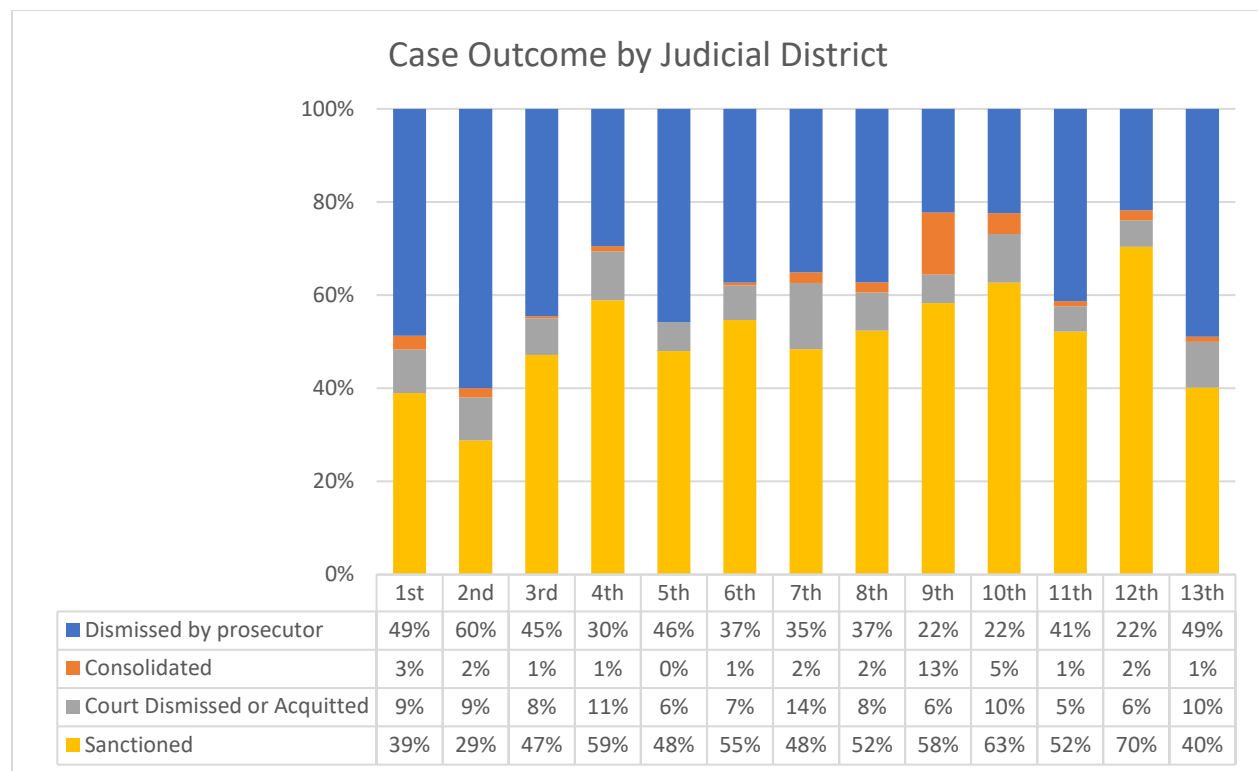
In some instances, prosecutors dismissed cases after consolidating the current with another pending case. While most districts have a very small proportion of cases disposed in this way (nearly 0% in the 5th District to 5% in the 10th District), prosecutors dismissed 13% of cases filed in the 9th District in this manner.

Rates of dismissal by the court varied less across districts, from 5% in the 11th District to 14% in the 7th District—with most districts experiencing a court dismissal rate of between 6-9%.

Cases resulted in sanctions at vastly different rates across judicial districts. The district with the lowest sanction rate was the 2nd District, where just 29% of cases resulted in some sanction. This proportion ranged all the way up to 70% in the 12th District. Most districts, though, had sanction rates ranging between 47% and 58%.

Figure 12 below displays these findings.

Figure 12. Case Outcomes by Judicial District



N=21,364

Table 3 further separates judicial outcomes across districts by the type of court—lower and district. A much higher proportion of cases were dismissed by the prosecutor in lower court compared to the district court. Prosecutorial dismissal rates in the lower court ranged from a low of 32% in the 10th District to a high of 86% in the 2nd District. In contrast, the rate of prosecutorial dismissal among cases filed and disposed in district court ranged from 13% in the 9th District to 30% in the 3rd.

Dismissals due to consolidation in the lower court ranged from a low of 0% (no cases) in the 3rd and 12th Districts to a high of 6% in the 9th and 10th Districts. In district court, none of the cases were consolidated in the 5th District, but 16% were in the 9th District.

The rate of dismissal for by the court also varied by both judicial district and court type. In the lower courts, the rate of dismissal by the court ranged from 9% (11th District) to 25% (9th District). In the district court, there was more variance in dismissal rates, with 0% in the 5th District to 18% in the 9th District.

The rate at which cases filed and disposed in the lower courts result in a sanction varied drastically across districts. While only 2% of cases in the 3rd District resulted in a sanction in the lower courts, a full 47% were sanctioned in the 10th District. Plea bargains were the most common form of conviction, though this was highest in the 10th District where 15% were sanctioned through another route (pre-prosecution diversion programs, conditional discharge or deferred sentence).

Across district courts, the sanction rate ranged from a low of 64% in the 2nd District to a high of 80% in the 12th. Again, the majority of convictions were reached via plea bargain and only a small fraction went to trial (the highest rate is 4% of filed cases in the 9th District). Anywhere from 8% (7th) to 29% (4th) resulted in a conditional discharge or deferred sentence.

This suggests a wide range of practices with regards to charging and case resolution both by district and level of the court. Full results are displayed in Table 3 below.

Table 3. Case Outcome by Judicial District and Court Type

	1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	9 th	10 th	11 th	12 th	13 th
Lower Court Disposition													
Dismissed by prosecutor	65%	86%	80%	46%	78%	63%	51%	64%	53%	32%	64%	53%	66%
Consolidated	1%	1%	0%	1%	<1%	1%	<1%	1%	6%	6%	<1%	0%	< 1%
Court dismissed/ acquitted	13%	10%	18%	12%	10%	10%	23%	16%	20%	15%	8%	15%	15%
Sanctioned	22%	3%	2%	41%	12%	27%	25%	19%	22%	47%	28%	32%	18%
Plea bargain	18%	2%	< 1%	28%	9%	16%	21%	16%	18%	32%	26%	29%	15%
Trial	< 1%	0%	0%	< 1%	< 1%	< 1%	< 1%	< 1%	0%	0%	< 1%	0%	< 1%
Other¹	3%	2%	2%	13%	2%	11%	4%	2%	4%	15%	2%	4%	3%
N	1,283	3,685	375	192	906	306	258	223	193	66	1,212	168	1,239
District Court Disposition													
Dismissed by prosecutor	20%	24%	30%	21%	26%	21%	24%	23%	13%	18%	21%	14%	28%
Consolidated	7%	4%	1%	1%	0%	1%	4%	3%	16%	4%	2%	3%	2%
Court dismissed/ acquitted	3%	8%	4%	10%	4%	6%	8%	4%	2%	8%	3%	3%	3%
Sanctioned	70%	64%	65%	68%	70%	73%	65%	70%	69%	70%	75%	80%	67%
Plea bargain	53%	45%	45%	38%	54%	51%	56%	52%	48%	47%	60%	58%	45%
Trial	1%	1%	1%	< 1%	2%	2%	1%	2%	5%	2%	1%	4%	< 1%
Other²	16%	18%	19%	29%	15%	20%	8%	16%	17%	21%	14%	18%	22%
N	725	2,695	927	378	1,501	474	360	426	641	135	1,326	652	1,018

N=21,364; ¹ "Other" includes conditional discharge, deferred sentence, and pre-prosecution diversion; ² "Other" includes conditional discharge and deferred sentence

Urbanity

Some of the differences observed by judicial district may be influenced by the level of urbanity of the judicial district. This section explores whether there are differences in outcomes by urbanity.

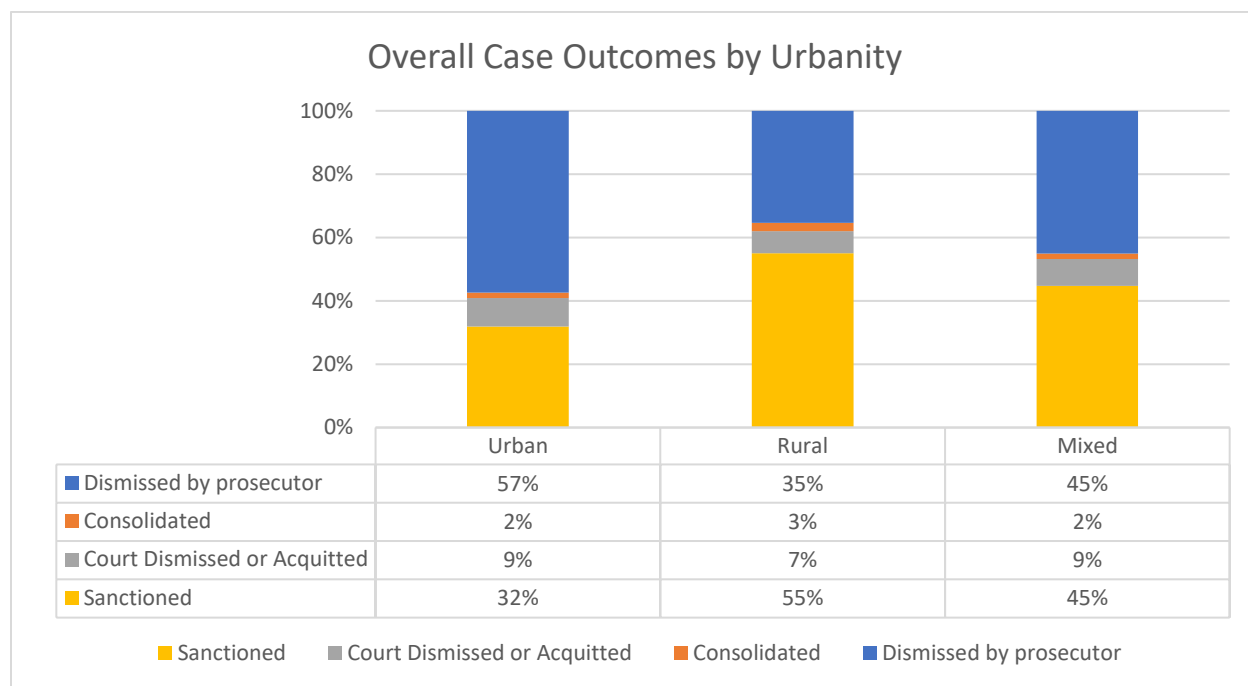
In our sample, 36% of cases were filed in urban districts, 30% in rural districts, and the remaining 35% in “mixed” (urban and rural) districts. Case outcomes varied by urbanity.

Prosecutorial dismissal and sanction rates varied significantly by degree of urbanity. In urban districts, prosecutors dismissed 57% of filed cases outright, whereas prosecutors dismissed just 35% in rural districts. In mixed districts, prosecutors dismissed 45% of cases.

Correspondingly, 32% of cases filed in urban districts were ultimately sanctioned, compared to 55% in rural districts. Again, mixed districts fell in between, with 45% of cases in these districts ending in a sanction.

Districts varied less in the rate of prosecutorial dismissal due to a plea agreement or consolidation, or because of court dismissal. Figure 13 below illustrates these findings.

Figure 13. Case Outcomes by Urbanity



N=21,364

Prosecutors in urban areas were more likely to dismiss cases in the lower court (85%) compared to rural (65%) and mixed (64%) districts. While prosecutors dismissed district court cases in urban areas at higher rates (26%) than either rural (21%) or mixed (23%) districts, the proportions were more similar than that observed in the lower courts. This indicates the discrepancies observed in prosecutor dismissal

rates are largely driven by what happens in the lower courts. There were no meaningful differences in rates of consolidation by urbanity in either the lower courts or district court.

In the lower courts, cases resulted in dismissal by the court or acquittals at slightly higher rates in rural and mixed districts (12%-13%) than urban ones (11%). The inverse is true among cases bound over to the district court, where dismissals by the court and acquittals are slightly higher in urban areas (10%) than rural (8%) or mixed (7%) districts.

The lower court sanction rate was much higher in rural and mixed districts. While only 3% of cases that ended in lower court were sanctioned in urban districts, 21-22% of rural and mixed court cases resulted in sanctions in lower court, mostly via plea bargain.

Of cases filed and disposed in district courts, sanction rates were also lower in urban areas, with 64% resulting in a sanction compared to 72% in rural districts and 71% in mixed districts. Convictions were reached in similar ways, though, regardless of the urbanity of districts, with most the result of a plea bargain.

Table 4 below shows the relationship between the urbanity of a district and case outcomes by court type.

Table 4. Case Outcome by Urbanity and Court Type

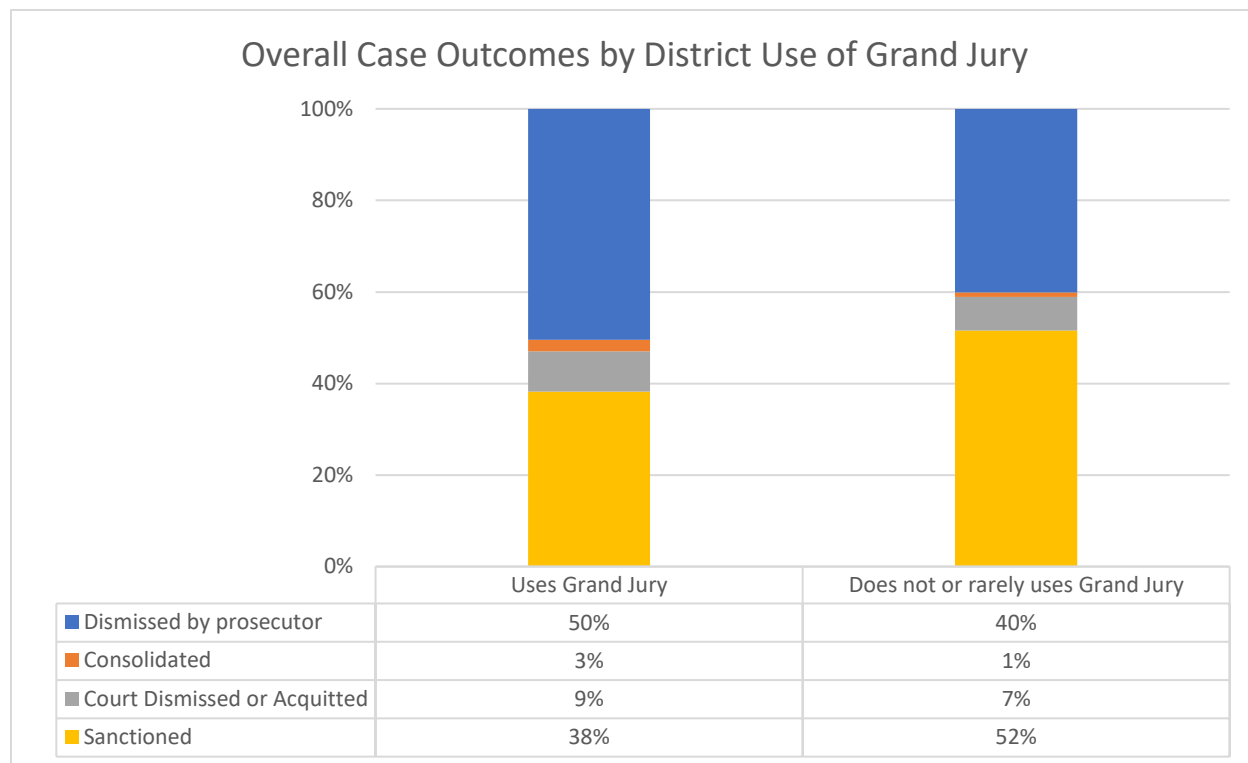
	Urban	Rural	Mixed	Total
Lower Court Disposition				
Dismissed by prosecutor	86%	65%	64%	73%
Consolidated	0.5%	1%	0.5%	0.6%
Court dismissed/ acquitted	11%	12%	13%	12%
Sanctioned	3%	21%	22%	15%
<i>Plea bargain</i>	2%	16%	20%	12%
<i>Trial</i>	0%	< 1%	< 1%	< 1%
<i>Other</i>¹	2%	5%	3%	3%
N	4,060	2,054	3,992	10,106
District Court Disposition				
Dismissed by prosecutor	26%	21%	23%	23%
Consolidated	3%	3%	3%	3%
Court dismissed/ acquitted	7%	5%	4%	5%
Sanctioned	64%	72%	71%	69%
<i>Plea bargain</i>	45%	51%	53%	50%
<i>Trial</i>	1%	2%	1%	2%
<i>Other</i>²	18%	18%	16%	17%
N	3,622	4,207	3,429	11,258

N=21,364; ¹ "Other" includes conditional discharge, deferred sentence, and pre-prosecution diversion; ² "Other" includes conditional discharge and deferred sentence

District Use of grand Jury

Cases were more likely to be dismissed by the prosecutor in districts that use grand juries (50%) compared to those that never or rarely use grand jury (40%). Correspondingly, cases were less likely to be ultimately sanctioned in districts that use grand juries (38%) compared to those that do not (52%).

Figure 14. Case Outcomes by District Use of Grand Jury



N=21,364

Most of the discrepancy in sanction rates is due to differences in outcomes in the lower courts. Specifically, cases in districts that do not use or rarely use grand juries were much more likely to end with a sanction in lower courts. A full 23% of cases filed in preliminary examination districts resulted in a lower court sanction, compared to just 11% in grand-jury districts. Correspondingly, prosecutors were less likely to dismiss lower court cases in districts that never or rarely use grand juries (65%) relative to those that frequently did so (77%). Rates of dismissal by court were similar (11% vs. 12%).

Regardless of use of grand jury, prosecutors dismissed 23% of district court cases without further action. In districts that use grand juries, though, prosecutors were slightly more likely to dismiss cases due to a plea or consolidation with another case (4%) relative to districts that do not use grand juries (1%). This difference accounts for the slight differences in conviction rates for the current district court case observed by use of grand jury (71% in districts that do not or rarely use grand juries versus 67% of cases in districts that frequently use grand juries).

Case outcomes by the type of bindovers used in the county and court type are displayed in Table 5 below.

Table 5. Case Outcome by Use of Grand Jury and Court Type

	Never or very rarely uses grand jury	Uses grand jury	All cases
Lower Court Disposition			
Dismissed by prosecutor	65%	77%	73%
Consolidated	<1%	<1%	<1%
Court dismissed/ acquitted	11%	12%	12%
Sanctioned*	23%	11%	15%
<i>Plea bargain</i>	19%	8%	12%
<i>Trial</i>	< 1%	< 1%	< 1%
<i>Other</i>¹	4%	2%	3%
N	3,163	6,943	10,106
District Court Disposition			
Dismissed by prosecutor	23%	23%	23%
Consolidated	1%	4%	3%
Court dismissed/ acquitted	5%	5%	5%
Sanctioned	71%	67%	69%
<i>Plea bargain</i>	54%	47%	50%
<i>Trial</i>	1%	2%	2%
<i>Other</i>²	16%	18%	17%
N	4,600	6,658	11,258

N=21,364; ¹ "Other" includes conditional discharge, deferred sentence, and pre-prosecution diversion; ² "Other" includes conditional discharge and deferred sentence

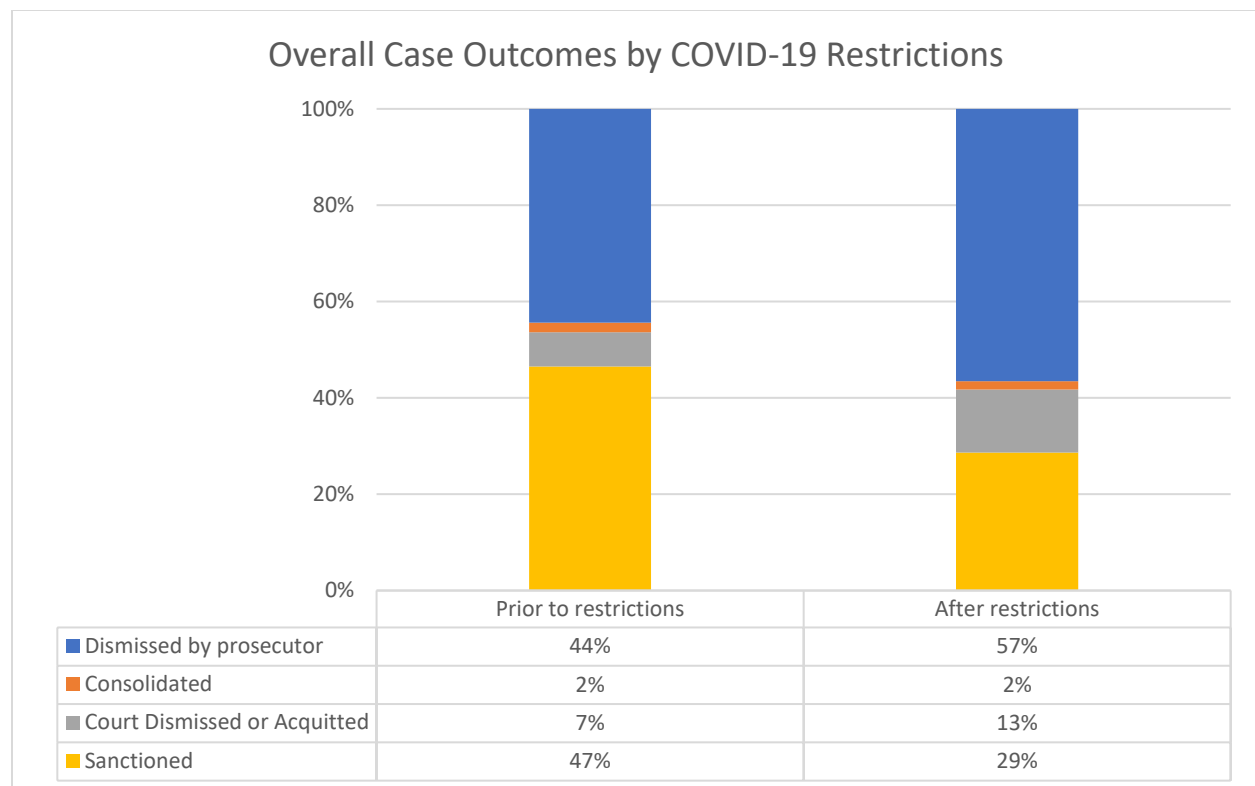
Case Outcomes by COVID-19 Restrictions

The outcome of cases changed considerably with COVID-19-related restrictions which went into effect March 30th of 2020 and were in effect until October 29th of 2021, or through the end of our study.

Cases were much more likely to be dismissed by the prosecutor after restrictions went into effect (57%) than before (44%). A much smaller proportion of cases was ultimately sanctioned after restrictions went into effect, with about 47% of cases sanctioned prior to restrictions and just 29% sanctioned following COVID-19 restrictions.

Figure 15 below illustrates these outcomes.

Figure 15. Case Outcomes by COVID-19 Restrictions



N = 21,364

In the lower courts, sanction rates were lower after COVID-19 restrictions went into effect, with 7% convicted compared to 16% prior to the restrictions. Interestingly, dismissals by the prosecutor were very similar (73% prior to the restrictions compared to 72% after restrictions) but dismissals for other reasons increased notably from 10% prior to restrictions to 18% after restrictions.

Once cases were bound over to district court, prosecutors dismissed cases at a higher rate after restrictions (36%) compared to 30% before restrictions. Rates of dismissal by the district court or for another reason were slightly higher after restrictions (26% compared to 23% before COVID-19). Sanctions occurred at slightly lower but similar rates (66% after restrictions compared to 69% before).

These results indicate that the restrictions impacted case outcomes in the lower courts more than those that moved to district court.

Table 6 below summarizes these results.

Table 6. Case Outcome by COVID-19 Restrictions and Court Type

	Filed before Covid restrictions	Filed after Covid restrictions	All Cases
Lower Court Disposition			
Dismissed by prosecutor	73%	72%	73%
Consolidated	<1%	<1%	<1%
Court dismissed/ acquitted	10%	18%	12%
Sanctioned	16%	9%	15%
<i>Plea bargain</i>	13%	7%	12%
<i>Trial</i>	< 1%	0%	< 1%
<i>Other</i>¹	3%	2%	3%
N	7,456	2,650	10,106
District Court Disposition			
Dismissed by prosecutor	23%	26%	23%
Consolidated	3%	4%	3%
Court dismissed/ acquitted	5%	5%	4%
Sanctioned	69%	66%	69%
<i>Plea bargain</i>	50%	49%	50%
<i>Trial</i>	2%	1%	1%
<i>Other</i>²	18%	16%	17%
N	9,884	1,374	11,258

N=21,364; ¹ "Other" includes conditional discharge, deferred sentence, and pre-prosecution diversion; ²"Other" includes conditional discharge and deferred sentence

III. Time to Resolution

Another key research question is how long it takes to resolve cases. This is important because judges approve pretrial detention in about half of cases in which prosecutors seek it, indicating that some defendants are detained for the pretrial period (e.g., Denman et al., 2021; Ferguson et al., 2021).

From the filing date, cases in this sample were open for an average of 254 days, with a median of 154 (indicating that half of the cases were resolved in less than 154 days). The number of days to resolution varies by whether the case ended in lower court or proceeded to district court.

Cases that ended in lower court were resolved in an average of 96 days and a median of 53 days. For the cases that progressed to district court, the average time to disposition was 397 days and the median time was 311 days. A total of 10,106 cases ended in lower court while 11,258 ended in district court. Table 7 below summarizes these findings.

Table 7. Days to Resolution across All Cases

	Ended in Lower court	Ended in District Court	All cases
Mean (SD)	96 (141)	397 (307)	254 (285)
Median	53	311	154
N	10,106	11,258	21,364

Table 8 further examines time to resolution by time categories. In the lower court, over half (57%) of cases were resolved within 60 days. Another 14% of cases were resolved between 61-90 days, meaning that 71% of all lower court cases were resolved in 90 days. Of the remaining 29%, 16% were resolved in 91-180 days, 8% were resolved in 181 days to a year, and 5% took 366 days or more to resolve.

In district courts, cases took much longer to reach a resolution. Only 5% were resolved within 60 days; another 4% was resolved between 61-90 days after filing. The largest proportion of cases (42%) took over a year to resolve.

Across all cases, 30% were resolved within 60 days of filing and 39% were resolved within 90 days. The National Courts recommend that 75% of felony dispositions are resolved within 90 days, meaning that New Mexico is lagging far behind recommended benchmarks. In this study, over half (55%) of all cases were resolved within 180 days; the National Courts recommend this proportion should be 90%. Just 76% of all cases in New Mexico were resolved within a year.

Table 8. Days to Resolution, Categorical

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

Time to Resolution by Case Outcome

Time to resolution varied by the ultimate outcome of the case.¹¹ Regardless of level of the court, though, the time to disposition was longest for cases that go to trial. In the lower courts, the median days to disposition was 169; in the district court, this increased to a median of 455 days.

In the lower courts, cases dismissed by the prosecutor with no further action and cases selected for pre-prosecution diversion were resolved the quickest, with a median of 51 and 53 days, respectively. Those dismissed by the court tended to take longer, with a median of 68 days. The median days to disposition for cases convicted in lower court was 62. The vast majority of these were convicted via plea bargain, which is considerably faster than going to trial (64 compared to 169 days).

In district court, by contrast, cases that are dismissed by the prosecutor with no further action unexpectedly take longer to resolve than those that are convicted. The median days to disposition for cases dismissed by the prosecutor was 366 days, while those convicted had a median of 300 days from initial filing in lower court to resolution in district court. This may be the result of plea bargaining. Prosecutors may spend more time pursuing cases in which the defendant refuses a plea deal. The prosecutor may ultimately be unable to secure a conviction for those cases, whereas cases resolved by a plea may be resolved sooner. As stated earlier, the majority of convicted cases are resolved via plea deals.

As in lower court, most cases bound over to district court were convicted via plea bargain, and these convictions are much faster (median of 300 days) than those cases that result in a conviction at trial (median of 455 days).

Full statistics are available in Table 9 below.

¹¹ Due to the wide variation in days to disposition, we report the median days in this section. Please see Appendix D for summaries of the mean days to disposition.

Table 9. Median Days to Resolution by Case Outcome and Court Type

Outcome	Ended in Lower Court	Ended in District Court	Total
Dismissed by prosecutor	51	366	87
Consolidated	57	265.5	238
Court dismissed/ acquitted	68	337	128
Sanctioned	62	300	259
<i>Plea bargain</i>	64	300	255
<i>Trial</i>	169	455	443
<i>Conditional discharge/deferral</i>	58	286	259
<i>Pre-prosecution diversion or non-criminal adjudication</i>	53	N/A	53
N	10,106	11,258	21,364

N = 21,364

Time to Resolution by Type of Most Serious Offense

Time to resolution may vary depending on the severity of the underlying offense. This section explores how long cases were open in lower and district courts by the most serious offense.

Of cases resolved in the lower courts, DWI cases had the longest time to resolution, with a median of 72 days. The shortest to resolution, by median, included public order/other offenses (41 days). In district court, crimes against persons took longest to resolve (331 days) followed by DWI offenses (320 days). The shortest time to resolution in district court by MSO was weapons offenses, with a median of 262 days.

Table 10. below illustrates the time to resolution by the most serious offense associated with the case.

Table 10. Days to Resolution by MSO

Outcome	Ended in Lower Court	Ended in District Court	Total
Violent	51	309	134
Crimes against Persons	56	331	140.5
Weapons	44.5	262	154
Property	57	318	162
Drug	52	302	174
DWI	72	320	238.5
Public Order/Other	41	291	102
N	10,106	11,258	21,364

Time to Resolution by Degree of Most Serious Offense

Table 11 examines time to resolution by the degree of the offense. In general, cases involving more serious offenses took longer to resolve than cases involving less serious offenses. This varied, though, by level of court.

In the lower courts, cases with capital offenses and first-degree felonies were resolved quickest, with a median of 35 days. There was no clear pattern for time to resolution for the remaining cases in the lower courts. Cases involving 2nd and 4th degree felonies had the longest time to resolution in lower court (55-day median), followed by 3rd degree felonies (54 days).

Cases resolved in district court, though, did follow a pattern, with more serious cases taking longer to resolve. Specifically, capital offenses and first-degree felonies took the longest to resolve with a median of 451 days, and unspecified felonies were resolved fastest (250 days). The median number of days to disposition increased with increasing felony degrees.

Table 11. Median Days to Resolution by Degree of MSO

Outcome	Ended in Lower Court	Ended in District Court	Total
Capital Offense/1st Degree Felony	35	451	282
2nd Degree Felony	55	341	234
3rd Degree Felony	54	317	156
4th Degree Felony	55	308	157
Felony, unspecified	46	250	76
N	10,106	11,258	21,364

Time to Resolution by Judicial District Characteristics

This section explores time to resolution by characteristics associated with the district: the judicial district, the urbanity of the district, and how often the district uses grand juries compared to preliminary examinations.

Judicial District

The time to resolution ranged drastically across districts. In the lower courts, time to resolution ranged from a low of 41 days in the 2nd Judicial District to a high of 83 days in the 13th Judicial District. Most districts had a median of between 50 and 70 days to disposition for cases that ended in the lower court.

In district court, the lowest average days to resolution was 208 (in the 10th) and the longest was 464 days (8th).

Findings are illustrated in Table 12.

Table 12. Median Days to Resolution by Judicial District

District	Ended in Lower Court	Ended in District Court	Total
1 st	66	373	115
2 nd	41	227	67
3 rd	52	425	272.5
4 th	64	281	197
5 th	69	320	217
6 th	60	242.5	147
7 th	65	333.5	207
8 th	57	464	287
9 th	49	311	251
10 th	55	208	135
11 th	47.5	280	142
12 th	56	426.5	335.5
13 th	83	440	190
N	10,106	11,258	21,364

Urbanity

Overall, urban districts had the shortest time to case resolution in both lower and district courts. In lower court, the median time to disposition in urban districts was 43 days, compared to 61 days in rural districts, and 65 days in mixed districts. District court cases had a median number of days to disposition of 259. This was longer in rural districts (325 days) and longer still in mixed districts (344 days).

The median number of days to disposition was longest in mixed districts when the data are disaggregated by court type (65 days in lower court and 344 in district court). The median number of days to disposition for all cases in the sample, though, is 151 days in mixed districts, falling in between urban (89 days) and rural (225 days) districts. This reflects the number of cases that ended in lower court versus district court by urbanity.

Table 13 below illustrates these results.

Table 13. Median Days to Resolution by Urbanity

Outcome	Ended in Lower court	Ended in District Court	Total
Urban	43	259	89
Rural	61	325	225
Mixed	65	344	151
N	10,106	11,258	21,364

District Use of Grand Jury

Time to resolution varied somewhat by whether or not the district uses grand jury hearings to initiate cases in district court. Overall, time to resolution was shorter in districts that use grand jury. This varies by court level, however.

The median number of days to resolution among cases that ended in lower court was slightly higher in those that do not use or rarely use grand juries (57 days) compared to those that do use grand juries (51 days). Conversely, among cases ending in district court, districts that do not use or rarely use grand juries had a slightly shorter time to resolution compared to those that do use grand juries (302 compared to 320 days, respectively).

Full findings are displayed in Table 14 below.

Table 14. Median Days to Disposition by District Use of Grand Jury

Outcome	Ended in Lower Court	Ended in District Court	Total
Does not use/rarely use grand jury	57	302	184
Uses grand jury	51	320	132
N	10,106	11,258	21,364

Time to Resolution by COVID-19 Restrictions

Overall, cases were resolved much faster after COVID-19 restrictions went into place as measured by average and median time to resolution. This is potentially a result of the greater numbers of case dismissals, which would limit the time a case is open. Additionally, a greater proportion of cases bound over were not yet resolved at the time of this study and are omitted from these analyses. Once those cases are added, the time to resolution post-COVID may increase. The time to resolution by COVID-19 restrictions varied, though, depending on court level and measure used.

In lower court, the median days decreased from 55 prior to COVID-19 to 50 days after. Conversely, in district court, the median days to resolution actually increased quite considerably from 308 to 344 days; thus, half of the cases were resolved in less than 308 days prior to COVID-19 but this increased to 344 days after the restrictions. It is unclear why this would be the case.

These findings are summarized in Table 15 below.

Table 15. Median Days to Resolution by COVID-19 Restrictions

Outcome	Ended in Lower Court	Ended in District Court	Total
Filed Before COVID Restrictions	55	308	177
Filed After COVID Restrictions	50	344	78
N	10,106	11,258	21,364

IV. Progression of Charges over the Life of the Case

One of the key decisions prosecutors make is which charges to pursue. The type, degree, and number of charges may change over the life of the case as a result of this decision-making, or, less frequently, as a result of actions by other court actors. This section begins by exploring whether there were changes in the most serious offense, degree, and number of charges at each key decision point over the life of the case.¹² It examines whether these changes to charges varied systematically by case outcomes, jurisdiction characteristics, and COVID-19 restrictions.

Changes in Most Serious Offense Type, Degree, and Number of Charges

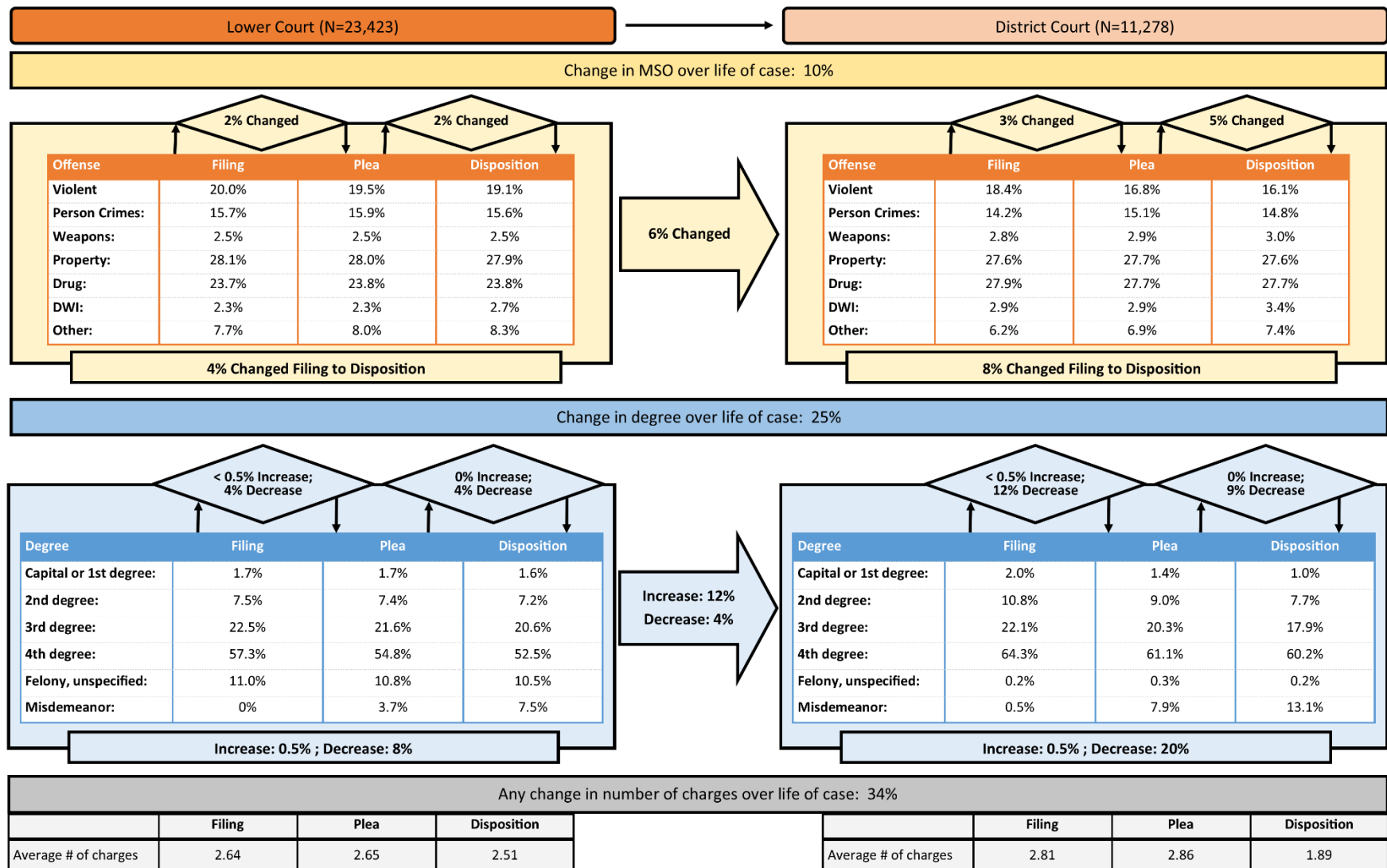
Prosecutors may amend charges throughout the life of a case. For instance, in one case, the most serious offense (MSO) at filing was a 2nd degree drug trafficking charge. There were several other charges in that case, including a 3rd degree child abuse charge and a 4th degree drug possession charge. At the plea stage (at which time the defendant entered “no plea”), the drug trafficking charge was dropped and the most serious remaining offense was a 3rd degree child abuse charge. At disposition in the lower court, the case was bound over to district court, but the charges were amended: the child abuse charge was dismissed, leaving the most serious offense as a 4th degree drug possession charge. This charge was also the MSO at filing in district court. The charge did not change throughout district court. This is one example of how much the charges associated with a given case can vary as the court case progresses, as well as how the number of charges may change.

Figure 16 illustrates the changes in MSO, degree, and number of charges at six key points during the life of a court case: filing, plea, and disposition in lower court, and filing, plea, and disposition in district court. The yellow boxes show the change in MSO over the case. The diamonds illustrate the proportion of cases that change at each decision point. Below that are the changes in the degree of the MSO in blue. Finally, the last row of boxes, in gray, illustrates the change in the number of charges.

In the example above, the MSO type at lower court disposition would be the same as the MSO type at lower court filing as well as district court (drug offense), but would differ from the MSO at plea in the lower court (crimes against persons). The degree of the MSO in the lower court would differ at all three points. Once the case moved to district court, there would be no changes in either the MSO or degree at filing, plea, or disposition in that case.

¹² Three decision points are included: filing, after plea, and disposition. The plea in the lower court especially is frequently “no plea” indicating that the defendant did not enter any plea and the prosecutor has not dismissed the charge.

Figure 16. Changes in MSO, Degree, and Number of Charges



*Takes into account conviction offenses

Changes in MSO

Overall, 10% of cases in this sample involved a change in the MSO. Between lower court filing and lower court disposition, the MSO changed in 4% of cases, with a 2% change at each step in the lower court (from filing to plea and from plea to disposition). A slightly greater percentage changed between disposition in lower court and filing in district court: 6%. The greatest change in MSO occurred between district court filing and disposition in district court, involving 8% of cases, with 3% of the change occurring between district court filing and plea, and another 5% between plea and disposition.

The change in MSO varied based on the type of offense. Most notably, the proportion of violent crimes decreased as cases progressed. While 20% of cases initially filed in lower courts include an MSO of homicide, rape, robbery, and/or aggravated assault, this shrank to 16% by the time of disposition in district court. The decrease for crimes against persons was less steep, decreasing from 16% to 15% from lower court filing to district court disposition.

In contrast, the percentage of cases with a drug MSO increased as the cases progressed. While 24% of cases initially filed in lower court had a drug charge as the most serious offense, this increased significantly in district court, with drug cases making up 28% of cases filed and disposed in district court.

There is little to no change in the proportion of cases involving other offenses types. There is no change in the proportion of cases involving weapons offenses (3%) or property offenses (28%) over the progression of cases. The percent of DWI cases increases slightly, from 2% to 3% over the entire progression of the case. Finally, the proportion of public order and other offenses decreased slightly if filed in district court, from 8% in lower court to 6% at filing in district court. This increased slightly to 7% at district court disposition.

Additional information about the change in MSO is available in Appendix E. Tables E.1, E.5, and E.7 illustrate the change in MSO at three key points: lower court filing to disposition, lower court disposition to district court filing, and district court filing to disposition.

Changes in Degree of MSO

Figure 16 illustrates changes in degree of MSO; this was more variable than offense type. Overall, while just 10% of cases experienced a change in MSO type, 25% of cases involved at least one change in degree over the life of the case. Changes in the degree of the MSO are correlated with the stage of the case. While just 8% of cases had a change in the degree of the most serious offense between lower court filing and lower court disposition, 16% of cases changed in degree between lower court disposition and district court filing, and 21% changed in degree between district court filing and disposition.

Regardless of the level of court, when there was a change in the degree of the MSO, it most often decreased between filing and disposition. In the lower court, 8% of charges decreased in severity between filing and disposition, with 4% decrease at each step in the lower court (filing to plea and plea to disposition). A much greater proportion of cases decreased between filing and disposition in district court: 21%. Most of that decrease occurred between filing in district court and plea (12%).

Among cases that moved to district court from the lower court, however, 12% of cases experienced an increase in the degree of the MSO from disposition in lower court to filing in district court while just 4% decreased. This indicates that the more serious offenses were bound over.

There was a greater proportion of misdemeanors at disposition in both the lower court and district court relative to filing, and to a lesser extent, plea. While not all cases resulted in a conviction at plea, this finding reflects cases convicted on a lesser charge. The notable increase in the degree of offense from lower court disposition to district court filing is largely explained by the change in the proportion of cases involving a felony with a degree that had not be specified. Approximately 10% of cases involved a felony with an undetermined degree at the time of lower court disposition, less than 1% did at the time of district court filing. There was also a notable increase in the proportion of 4th degree felonies (11% higher, from 53% to 64%), followed by 2nd degree felonies (4% higher).

Additional information about the change in the degree in the MSO is available in Appendix E. Tables E.3, E.6, and E.9 illustrate the change in degree of MSO at three key points: lower court filing to disposition, lower court disposition to district court filing, and district court filing to disposition.

Changes in the Number of Charges

The number of charges changed in approximately one-third (34%) of the cases. The average number of charges is very similar from filing to plea within each court level; the average number decreases at disposition. This reflects charges that drop out of a case when the outcome is a conviction, bindover, or some other action that does not involve the dismissal of the entire case. The average number increases from disposition in the lower court to filing in district court. This indicates that cases with fewer number of charges end in lower court, while those with a greater number of charges continue on to district court.

Changes in Charges by Judicial District Characteristics

This section explores whether the proportion of cases that involve changes in the MSO, degree of MSO, and number of charges from filing to disposition vary by characteristics of the judicial district.

Judicial District

Changes in the most serious offense were most frequent in the 9th and 10th (13%) judicial districts and least common (7%) in the 3rd District. Changes in the degree of the most serious offense varied more by district. These changed least frequently in the 3rd Judicial District (17%) and most frequently in the 10th District (30%). Similarly, the number of charges changed more often in some districts (12th, 4th, and 10th) than in others (2nd and 6th).

Table 16. Change in MSO, Degree, and Number of Charges by District

	1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	9 th	10 th	11 th	12 th	13 th	N with change
MSO changed	12%	10%	7%	12%	9%	8%	9%	10%	13%	13%	12%	12%	11%	2,221
MSO degree change	29%	25%	17%	25%	22%	23%	24%	24%	29%	31%	30%	25%	24%	5,409
Number of charges changed	36%	29%	37%	48%	19%	30%	37%	45%	43%	49%	39%	47%	35%	7,150
N	2,008	6,380	1,302	570	2,407	780	618	649	834	201	2,538	820	2,257	21,364

Urbanity

Table 17 explores the proportion of cases that change MSO, degree and number of charges over the life of the court case in urban, rural, and mixed districts. Across these types of districts, the most serious offense changed in about 10-11% of cases, with little variation by the urbanity of districts. The degree changed in 24% of cases in both urban and rural districts but was slightly more likely to change in mixed districts, with 27% of cases in mixed districts changing in degree at some point over the life of the case.

However, the likelihood of charges changing over time varied more across the urbanity of districts. While 30% of cases in urban districts experienced a change in the number of charges over the life of a case, 37% in mixed districts had a change in the number of charges. Rural districts were in the middle, with 34%.

Table 17. Change in MSO, Degree, and Number of Charges by Urbanity

	Urban	Rural	Mixed	All Cases	N with change
MSO type changed	10%	10%	11%	10%	2,221
Degree of MSO changed	24%	24%	27%	25%	5,409
Number of charges changed	30%	34%	37%	34%	7,150
N	7,682	6,261	7,421	21,364	

District Use of Grand Jury

The MSO type changed in 10-11% of cases, with little variation by whether the district uses grand juries. Similarly, the degree of MSO changed in 25-26% of cases, similar across these two district types. The rates at which the number of charges changed across the life of the case was similar.

Table 18 below summarizes these findings.

Table 18. Change in MSO, Degree, and Number of Charges by Use of Grand Jury

	Uses grand jury	Does not use grand jury	All Cases	N
MSO type changed	10%	11%	10%	2,221
Degree of MSO changed	26%	25%	25%	5,409
Number of charges changed	34%	33%	34%	7,150
N	7,763	13,601	21,364	

Changes in Type and Degree of Most Serious Offense by COVID-19 Restrictions

Both the most serious offense and the degree were less likely to change over the life of the court case after COVID-19 restrictions went into effect. While MSO changed in 11% of cases before COVID, this

decreased to 9% of cases when restrictions went into effect. The decrease in the proportion of cases which changed in degree was even more substantial, with 27% of cases changing in degree prior to COVID-19 and just 18% changing in degree after restrictions.

The number of charges were also more likely to change before COVID-19 restrictions. The number of charges changed in 36% of cases before restrictions compared to 23% after. These results are summarized in Table 19 below.

Table 19. Change in MSO, Degree, and Number of Charges by COVID-19 Restrictions

	Filed before COVID restrictions	Filed after COVID restrictions	All Cases	N
MSO type changed	11%	9%	10%	2,221
Degree of MSO changed	27%	18%	25%	5,409
Number of charges changed	36%	23%	34%	7,150
N	17,340	4,024	21,364	

Charging Decisions

This section explores the outcomes of each charge in the case. Thus, rather than analyzing at the case-level, all data in this section are at the charge level. Most cases are associated with multiple charges; therefore, the overall number of charges analyzed is much higher than the number of cases analyzed in the preceding sections. This analysis provides insight into which charges are likely to be dismissed versus those that are likely to be pursued. Unlike the prior analyses, the offense type and degree are not necessarily the most serious offense. Instead, this reflects the offense type of any charge in the case.

Overview of Charging Decisions

Table 20 displays the proportion of charges dismissed or adjudicated by the offense type. Prosecutors dismissed DWI charges least often (26%) while judges dismissed these charges at the same rate as most other offense types, for an overall dismissal rate of 34%. Rates of dismissal were highest for violent crimes (57% overall; 48% by prosecutors and 9% by the court) and crimes against persons (56% overall; 45% by prosecutors and 12% by the courts). Both the rate of adjudication and conviction was highest for DWI charges. Rates of adjudication were lowest for violent offenses (43%) and crimes against persons (44%), though conviction rates were lowest for public order and other offenses (19%), followed by violent crimes and crimes against persons (24%).

These results are similar to those found when examining MSO only (see Figure 10).

Table 20. Outcomes of Individual Charges

	Violent	Crimes against Persons	Weapons	Property	Drug	DWI	Public Order/ Other	Total
Adjudicated or consolidated	43%	44%	48%	49%	52%	66%	53%	50%
<i>Convicted/cd/defer</i>	24%	24%	26%	26%	29%	57%	19%	25%
Dismissed	57%	56%	52%	51%	48%	34%	47%	51%
<i>By Prosecutor</i>	48%	45%	46%	41%	40%	26%	38%	41%
<i>By court</i>	9%	12%	6%	10%	9%	9%	9%	9%
N	6,687	7,916	1,189	13,838	10,891	1,226	11,655	53,402

Rates of dismissals were highest for undetermined felonies (65% overall; 56% by prosecutors and 9% by the court) and lowest for misdemeanors (45%) and 2nd degree felonies (47%). While 2nd degree and misdemeanor charges were most often adjudicated, convictions were highest for Capital offenses/1st degree felonies (31%) and 2nd degree felonies (33%). While not displayed in Table 21 below, 10% of the misdemeanor convictions occurred in the lower courts.

Table 21. Outcomes by Degree of Individual Charges

	1 st Degree Felony	2 nd Degree Felony	3 rd Degree Felony	4 th Degree Felony	Undetermined Felony	Misdemeanor	Total
Adjudicated or consolidated	49%	53%	46%	48%	35%	55%	50%
<i>Convicted/cd/defer</i>	31%	33%	25%	28%	22%	22%	25%
Dismissed	51%	47%	54%	52%	65%	45%	50%
<i>By Prosecutor</i>	41%	40%	45%	43%	56%	35%	41%
<i>By court</i>	10%	7%	9%	9%	9%	10%	9%
N	469	2,216	6,743	20,679	4,363	18,953	53,423

These results are again similar to those by degree of MSO (see Figure 11), though when analyzed by charge, misdemeanors are included. It is notable that these are least likely to be dismissed, most likely to be adjudicated, but among the least likely to result in conviction.

As seen previously, rates of dismissals vary greatly across districts. The charge-level analysis does not provide any additional information regarding which districts dismiss charges at the most or least frequent rates. By parsing the data by offense type and degree, there do appear to be some differences from overall dismissal rates. For instance, while the 9th District has the lowest dismissal rates overall, they do not have the lowest dismissal rates for violent charges or crimes against persons. Instead, the 12th District is least likely to dismiss these charges. Likewise, while the 2nd Judicial District has the highest rate of dismissal overall, it does not have the highest rates of dismissal for violent crimes (it is

the 7th) or weapons offenses. The 7th and 13th Districts, respectively, have the highest rates of dismissal for these charges. Additional information is available in Table 22 below.

Table 22. Charge Dismissal by Offense Type and Judicial District

	Violent	Crimes against Persons	Weapons	Property	Drug	DWI	Public Order/ Other	Total
1st	62%	61%	55%	61%	58%	46%	55%	59%
2nd	59%	70%	65%	66%	67%	50%	66%	65%
3rd	54%	57%	56%	51%	41%	39%	49%	50%
4th	42%	31%	35%	36%	27%	19%	38%	34%
5th	58%	53%	49%	47%	47%	37%	45%	48%
6th	51%	56%	52%	36%	40%	29%	39%	43%
7th	69%	47%	32%	38%	30%	21%	40%	41%
8th	50%	52%	49%	40%	32%	25%	38%	41%
9th	33%	30%	29%	23%	16%	8%	16%	22%
10th	36%	29%	46%	34%	19%	25%	22%	27%
11th	60%	53%	44%	43%	34%	30%	35%	42%
12th	21%	23%	33%	25%	29%	24%	28%	26%
13th	65%	66%	66%	59%	55%	32%	53%	58%
N Dismissed	3,799	4,447	623	7,019	5,224	417	5,421	26,950
Total N	6,687	7,916	1,189	13,838	10,891	1,226	11,655	53,402

Like offense type, dismissal rates vary across district by degree of charge. Table 23 provides details.

Table 23. Charge Dismissal by Degree of Offense and Judicial District

District	1 st Degree Felony	2 nd Degree Felony	3 rd Degree Felony	4 th Degree Felony	Undetermined Felony	Misdemeanor	Total
1st	75%	64%	60%	61%	75%	54%	59%
2nd	50%	52%	63%	66%	69%	65%	65%
3rd	52%	49%	45%	53%	34%	48%	50%
4th	14%	26%	40%	37%	50%	31%	34%
5th	31%	37%	50%	51%	59%	46%	48%
6th	59%	58%	52%	41%	25%	39%	43%
7th	91%	33%	38%	45%	27%	37%	41%
8th	35%	45%	51%	42%	29%	37%	41%
9th	12%	30%	33%	23%	27%	19%	23%
10th	67%	24%	26%	30%	53%	23%	27%
11th	43%	43%	60%	44%	22%	36%	42%
12th	6%	32%	22%	27%	39%	26%	26%
13th	64%	57%	65%	61%	60%	53%	58%
N Dismissed	240	1,177	3,112	9,930	1,525	10,479	26,463
Total N	469	2,216	6,743	20,679	4,363	18,953	53,423

Regardless of offense type, rates of charge dismissal were lowest in rural areas. Overall rates of dismissal were highest in urban areas; this was true for all offense types except violent charges. Mixed districts had the highest rates of dismissal for violent charges

Table 24. Charge Dismissal by Offense Type and Urbanity

	Violent	Crimes against Persons	Weapons	Property	Drug	DWI	Public Order/ Other	Total
Urban	58%	67%	63%	63%	62%	47%	62%	62%
Rural	47%	43%	44%	36%	35%	28%	36%	38%
Mixed	63%	58%	54%	53%	48%	33%	46%	52%
N Disposed	3,799	4,447	623	7,019	5,224	417	5,421	26,950
Total N	6,687	7,916	1,189	13,838	10,891	1,226	11,655	53,402

Rural districts also had the lowest rates of dismissal regardless of the degree of the offense. There was more variation by degree for urban and mixed districts. Districts in counties that have both rural and urban areas (mixed districts) had the highest rates of dismissal for 1st, 2nd, and 3rd degree felonies while urban districts dismissed charges with 4th degree felonies or lower at the highest rates.

Table 25. Charge Dismissal by Urbanity and Degree of Offense

	1 st Degree Felony	2 nd Degree Felony	3 rd Degree Felony	4 th Degree Felony	Undetermined Felony	Misdemeanor	Total
Urban	51%	51%	58%	63%	68%	60%	62%
Rural	29%	37%	43%	39%	51%	35%	38%
Mixed	69%	52%	60%	55%	58%	46%	52%
N Dismissed	240	1,177	3,112	9,930	1,525	10,479	26,463
Total N	469	2,216	6,743	20,679	4,363	18,953	53,423

Districts that use grand juries are more likely to dismiss charges than those who do not (55% vs. 43%, respectively). This holds true across all offense types except violent crimes. There is no meaningful difference in dismissal rates for violent offense. Table 26 illustrates these results.

Table 26. Charge Dismissal by Offense Type and Use of Grand Jury

Use of grand jury	Violent	Crimes against Persons	Weapons	Property	Drug	DWI	Public Order/ Other	Total
Does not use/rarely use grand jury	56%	50%	46%	42%	37%	29%	38%	43%
Uses grand jury	57%	60%	57%	55%	54%	39%	53%	55%
N Dismissed	3,799	4,447	623	7,019	5,224	417	5,421	26,950
Total N	6,687	7,916	1,189	13,838	10,891	1,226	11,655	53,402

Similar to the findings for offense type, districts that use grand juries are more likely to dismiss charges regardless of degree, save one type. That is, there are similar rates of dismissal for capital offenses/1st degree felonies.

Table 27. Charge Dismissal by Degree and Use of Grand Jury

	1 st Degree Felony	2 nd Degree Felony	3 rd Degree Felony	4 th Degree Felony	Undetermined Felony	Misdemeanor	Total
Does not use/rarely use grand jury	50%	40%	51%	45%	50%	38%	43%
Uses grand jury	52%	51%	56%	56%	67%	50%	55%
N Dismissed	240	1,177	3,112	9,930	1,525	10,479	26,463
Total N	469	2,216	6,743	20,679	4,363	18,953	53,423

Regardless of offense type or degree of offense, prosecutors and the courts dismissed charges more frequently after COVID-19 restrictions were in place. Tables 28 and 29 summarize these results.

Table 28. Charge Dismissal by COVID-19 Restrictions and Offense Type

	Violent	Crimes against Persons	Weapons	Property	Drug	DWI	Public Order/ Other	Total
Filed Before COVID Restrictions	55%	53%	48%	48%	45%	33%	43%	48%
Filed After COVID Restrictions	66%	67%	66%	65%	63%	41%	60%	64%
N Dismissed	3,799	4,447	623	7,019	5,224	417	5,421	26,950
Total N	6,687	7,916	1,189	13,838	10,891	1,226	11,655	53,402

Table 29. Charge Dismissal by COVID-19 Restrictions and Degree of Offense

	1 st Degree Felony	2 nd Degree Felony	3 rd Degree Felony	4 th Degree Felony	Undetermined Felony	Misdemeanor	Total
Filed Before COVID Restrictions	48%	44%	51%	49%	63%	41%	48%
Filed After COVID Restrictions	65%	64%	67%	65%	76%	59%	64%
N Dismissed	240	1,177	3,112	9,930	1,525	10,479	26,463
Total N	469	2,216	6,743	20,679	4,363	18,953	53,423

Summary and Conclusions

Prosecutors play a significant role in the trajectory of criminal cases through the courts. Prosecutors choose whether to initiate a case based on available evidence; which cases to pursue and which to dismiss; whether to offer a plea deal; and whether to alter the charges throughout the life of the court case. The present report looked at the progression of court cases through the New Mexico courts. It seeks to understand what proportion of felony cases filed in lower courts are bound over to district courts, what proportion of cases are convicted in lower and district court, and how many of these convictions occur through plea bargains. Further, it explores when and how often prosecutors dismiss cases versus other outcomes. The study also assesses how long cases take to progress through the courts, from filing to disposition. Finally, it examines how charges change over the life of the case, and what sorts of charges are likely to be dismissed. The study examines whether case, geographic, and temporal factors play a role in these outcomes. This section summarizes key findings from the study, followed by a brief discussion, and study limitations.

What Proportion of Lower Court Cases are Bound Over to District Court?

This sample of felony cases includes 23,423 cases filed and disposed in lower court between 2017 and 2021. Fifty-seven percent (N = 13,317) of these cases were bound over to district court. A portion of these cases, though, were not yet disposed in district court by the study end, resulting in a sample of 21,364 cases fully disposed.

Rates of bindover varied by case characteristics. Cases involving a most serious offense of DWI, weapons violations, and drug offenses were bound over to district court more frequently than other offenses. Moreover, there is a correlation between the degree of the most serious offense and whether the case is bound over. The likelihood that a case would be bound over generally increased with the offense severity, with those involving 2nd degree felonies or higher bound over most frequently.

The rate at which cases were bound over to district court varied by jurisdiction and jurisdictional characteristics. The 12th Judicial District had the highest bindover rates, while the 1st had the lowest. Cases originating in districts that predominately or exclusively used preliminary examinations were much more likely to be bound over. In these districts, 63% of cases filed in lower court were bound over, compared to 53% in districts that frequently or primarily used grand juries. Further, rural districts also had much higher bindover rates compared to urban or mixed districts. In rural districts, 70% of cases were bound over; this proportion was just 52% in urban districts and 51% in mixed districts. There is a relationship, though, between urbanity and whether the district uses grand juries. All the districts comprised of fully urban counties use grand juries, compared to 57% in mixed areas and just 27% of rural areas. Thus, the relationship between the use of grand juries may be confounded by other factors not accounted for here.

The COVID-19 pandemic led to restrictions in court procedures which went into effect in the middle of our study period. These restrictions were correlated with a notable decrease in bindovers. Prior to restrictions, 59% of cases were bound over to district court. Following the restrictions, only 50% of cases that were filed in lower courts were bound over.

What are the Outcomes of Cases?

Of the 23,423 cases filed in lower courts during our study period, 2,059 were still pending disposition in district court at the time they study ended leaving 21,364 fully disposed cases. Among those fully

disposed cases, 1,445 (7%) were convicted in the lower court, and another 7,742 (36%) were convicted in district court. This indicates that about 43% of filed cases resulted in conviction. When including other sanctions (e.g., pre-prosecution diversion, consolidation), this rate increases slightly to 45% (7%, N=1,528 in lower court and 38%, N=8,102 in district court).

The vast majority of convictions were reached through plea bargain. Of the 9,187 convictions in both courts, just 181 (2%) were convicted at trial. This shows the overwhelming prevalence of plea bargains in court. Trials were more prevalent among cases resolved in district court, however. Of the 1,445 cases resulting in conviction in lower court, just 14 cases were convicted via trial; this is approximately 1% of all lower court convictions. In district courts, 167 (2%) were convicted at trial. Notably, the rate of convictions by plea (98% overall) is higher than nationwide estimates of 90% (Subramanian et al., 2020).

Prosecutors dismissed the vast majority of cases prior to adjudication. This varied, though, by the court type. While prosecutors dismissed 73% of cases that ended in the lower courts, they dismissed just 23% in district courts (or 74% and 26% when including cases dismissed due to consolidation with other cases), for an overall dismissal rate of 47% (or 49%). The courts dismissed just 4% of cases overall, or 6% when including cases that were transferred with no additional disposition information. Very few cases (<0.01%) resulted in an acquittal, directed verdict, or finding of no probable cause.

Convictions and dismissals were related to offense type. Cases involving DWIs were least likely to be dismissed and, conversely, most likely to result in a conviction in either the lower courts or district court. Cases involving violent offenses and public order or other offenses were least likely to result in conviction overall, though this varied somewhat by court type. Weapons offense were the least likely to result in conviction in the lower courts. Further, prosecutors dismissed cases involving unspecified felonies more often than other felonies but this was a result of dismissals that occurred in the lower courts. Once the case moved to district court, there were few meaningful differences in dismissal rates by degree severity.

Dismissal and conviction rates were associated with jurisdiction. Prosecutorial dismissal rates were highest in the 2nd Judicial District (60%), though this was primarily driven by dismissals occurring in the lower courts. Prosecutors in rural districts dismissed cases at a much lower rate (35%) than those in either urban (57%) or mixed (45%) districts. Those differences, though, were most disparate in the lower courts, where prosecutors in urban districts dismissed 86% of cases compared to 64-65% of those in mixed or rural districts. Rates of dismissal by urbanity was more similar in district courts, though still higher in urban areas. Conviction rates were highest in rural and mixed areas, regardless of court type, though the disparities were most notable in the lower courts.

Rates of dismissal by prosecutors were lowest in areas that did not regularly use grand juries compared to those that did (40% versus 50%, respectively). These differences were driven by the lower courts. Once the case moved to district court, there was no disparity in prosecutor dismissal rates between districts that did and did not use grand juries. As noted previously, though, there is a strong relationship between use of grand jury and urbanity suggesting that there may be other, unobserved factors that account for these differences.

Prosecutors dismissed cases at higher rates, and conversely, convictions were lower, after the imposition of COVID-19 restrictions. Additionally, the courts dismissed cases or an acquittal was found at nearly double the rate after COVID-19 than before.

How Long Does It Take to Resolve Court Cases?

This study explores how long it takes to resolve court cases in New Mexico. As one would expect, resolution in lower courts is much faster than resolution in district court, with average days to resolution of 96 and 397 days, respectively. The overall time to disposition was an average of 254 days, with a median of 154 days. The vast majority of cases that ended in lower court (87%) were disposed within 180 days, while approximately three-quarters of district court cases were disposed within a year.

A study of courts in 21 states across the country found the average time to disposition is 256 days for felony charges (Ostrom, Hamblin, Schauffler, & Raeen, 2020). Thus, New Mexico is on par with these courts. The national standards for case resolution, however, suggest that 75% of felony cases should be resolved in 90 days, 90% within 180 days, and 98% within 365 days (ibid). Just 76% of cases overall were resolved within 365 days in New Mexico. Clearly, time to resolution in New Mexico exceeds these model times.

Time to case resolution, though, varies also by case outcomes and other factors. Cases dismissed by the prosecutor were resolved faster in lower court than cases that had other outcomes (e.g., convicted or consolidated). The reverse was true in district court, where cases resulting in dismissal by prosecutors took the longest.

Offense type was related to resolution time as well. DWI cases take the longest in lower courts, while crimes against persons take the longest in district court. Conversely, time to disposition in the lower court is fastest for public order and other offenses followed by weapons offenses; weapons offenses are resolved most quickly in district courts. In lower courts, the lower-degree offenses tend to take longer to resolve than the higher-degree offenses, except for 1st degree felonies, which were resolved the quickest in the lower courts. In district courts, time to disposition is positively correlated with degree of offense, with 1st degree felonies having the longest time to disposition and unspecified felonies the shortest.

The time to resolution varied both by judicial district. Time to disposition was much faster in urban districts than either rural or mixed ones, regardless of the court type. While overall time to disposition was quickest in districts that use grand juries, this varied by court type with time to disposition fastest in the lower courts but not district courts.

It is noteworthy that overall time to resolution was shortest in the 2nd Judicial District, which had the quickest time to disposition in the lower courts and one of the lowest in the district courts. This is significant because this district has been under a case management order since February 2, 2015. This order imposes more stringent time limits for case actions than in other districts. The case management order was imposed in order to reduce the backlog the 2nd Judicial District had experienced and to ensure defendants did not spend unnecessary time detained pretrial, which led to jail overcrowding. Violation of those timelines can result in a case being dismissed. This may also account for the higher-than-average prosecutorial dismissal rates observed in the 2nd. Interestingly, though, the rates of court-initiated dismissals are not higher in the 2nd.

Cases were resolved faster overall after COVID-19 restrictions, dropping from a median of 177 days to 78. The change, though, was driven by the lower courts. Cases that proceeded to district court had a longer time to resolution after the COVID-19 restrictions (344 days) than prior to restrictions (308 days). These differences may be a function of the study period, though, as 24% of cases were still pending

post-COVID-19 compared to 4% pre-COVID-19. It may be that once those pending cases are resolved, the length of time to resolution may differ among cases filed after the restrictions.

To What Extent Do Charges Change over the Life of the Case?

This study examined changes in charges at both the case level and charge level. In this sample of cases, there was a change in the most serious offense (MSO) in 10% of filed and disposed cases as the case progressed through the courts, and 25% had one or more changes in the degree of the most serious offense (MSO). While the most serious offense associated with a case did not change in most cases, cases originally filed with a violent charge were the most likely to change. The decrease in violent MSOs was about four percentage points, where 20% of cases filed in the lower courts and 16% of cases disposed in district court had a violent MSO. Additional analyses indicate that violent charges are most often changed to crimes against persons. This may occur, for instance, when an aggravated battery charge changes to a simple battery. In contrast, the proportion of cases with a drug MSO increased across the life of the case, from 24% to 28% at district court disposition. There was little change from filing to disposition in the lower courts.

As may be expected, the degree of the MSO most often decreased between filing and disposition (regardless of court type) but 12% of cases had an increased degree severity when moving from the lower court to district court. This indicates that cases are likely to start with more serious charges at filing and ultimately be reduced at the time of disposition. The increase in degree of MSO from lower court to district court reflects the composition of cases that are bound over; that is, more serious cases progress out of the lower courts.

The median number of charges throughout the life of the case was two, though the average number changed somewhat. Most notable are the increase in the average number of charges from the lower court disposition to filing in the district court, and decreases between filing and disposition within each court level. The increase between lower court and district court reflects the composition of the types of cases that move forward. Like changes in MSO and degree, this suggests that prosecutors select more serious cases for prosecution and/or probable cause is found more often in more serious cases. The decrease in the number of charges between filing and disposition in the lower courts may occur for any number of reasons. Prosecutors may dismiss some charges if they determine that the evidence does not support prosecution of those particular charges; the grand jury or judge may determine there is no probable cause for particular charges; and plea bargaining or trials may result in the conviction of some charges but not others. The reasons for a decrease in the number of charges from filing to disposition in district court are the same, except that cases have already been bound over, so individual charges are not dismissed due to lack of probable cause at a preliminary examination or grand jury hearing.

Whether the MSO or degree changed over the course of the case varied somewhat across districts, though there was virtually no difference by urbanity or use of grand juries. Changes in the number of charges varied more. For instance, while the number of charges changed in only 19% of cases in the 5th District, 49% changed in the 10th. Moreover, the number of charges were less likely to change in urban districts (30%) compared to mixed districts (37%); rural districts fell in between. Most notable were changes after COVID-19 restrictions compared to before the restriction. Specifically, the degree of MSO, the number of charges, and to a lesser extent, type of MSO were less likely to change after COVID-19 restrictions.

This study also explored which types of charges were likely to be dismissed over the life of the case at the charge level. While DWIs were the least likely to be dismissed, violent and crimes against persons were much more likely to be dismissed. Charges with an undetermined felony degree were more likely to be dismissed than other charges. Urban districts had much higher rates of charge dismissal than rural counties, which explains the greater reduction in number of charges in urban than rural districts across the life of court cases. Districts that use grand juries dismissed charges at greater rates than those that did not. Only violent felonies and capital offenses/1st degree felonies were dismissed at similar rates regardless of the use of grand juries. Finally, with the imposition of COVID-19 related restrictions, charges were more likely to be dismissed.

Discussion

This study explored the progression of felony criminal cases across New Mexico courts, focusing on whether cases are bound over to district court, time to disposition, changes in the most serious offense and degree, and dismissal of charges. These are all outcomes that are at least partially influenced by prosecutorial discretion.

Confirming the results of our prior study (Denman and Sandoval, 2023), we found that cases are dismissed more frequently earlier in the process; that is, before they are bound over to district court. Moreover, prosecutors initiate those dismissals in the vast majority of cases. Nonetheless, over half of the cases moved to district court. While we could not determine whether a particular case was bound over via grand jury, preliminary examination, or a waiver of preliminary examination, we did find that a smaller proportion of cases are bound over in districts that use grand juries. This also reflects the findings of our prior study which did account for bindover method at the case level. The current results, though, lead to additional questions. Specifically, does the method of bindover matter or is it the result of other, confounding factors? There is a relationship between the use of grand juries and the urbanity of a district; that is, fully urban areas use grand juries, whereas it is less common in mixed and fully rural districts. It may be that the relationship between the use of grand juries and case trajectory is a spurious one. Future research could better tease that out.

While the current study did not explore reasons for dismissals, our prior study (Denman and Sandoval, 2023) suggests that the primary reason prosecutors dismiss cases is due to lack of evidence largely due to lack of cooperation by witnesses and/or victims. The current study also illustrated that there are case characteristics associated with dismissals, and (by default), convictions. Most notable is the significantly greater proportion of convictions in DWI cases, where hard evidence (blood alcohol level or breathalyzer) is likely to be gathered. Together with our prior findings, this suggests that the decision to pursue a particular case is driven primarily by the available evidence rather than some other factor. Still, there are disparities in dismissal and prosecution rates across jurisdictions and over time that suggest other factors are at play which future research should explore.

Importantly, one assumption is that once the prosecutor declines prosecution the charges are no longer pursued. In some instances, though, prosecutors may dismiss charges in a case in order to allow the charges to be pursued by alternate means. For example, cases may be referred to federal court and dismissed in state court. Another scenario involves individuals on probation, in which the case involving the new charges are dismissed but the probation violation resulting from those new charges are

pursued in the original case. Thus, in these scenarios, the case ends, but the charges against the defendant are still being pursued in some fashion. The current study accounted for cases that were consolidated with other open criminal cases, but did not account for these other possible outcomes. Our prior study, though, suggests prosecutors do not dismiss cases for these reasons very frequently (Denman and Sandoval, 2023).

Nearly all of the convictions secured in this study were the result of plea bargaining. Thus, rather than a matter of prosecutorial discretion, this seems to reflect standard practice in New Mexico. New Mexico is not unique, however. Research indicates that in most jurisdictions, cases are disposed via plea bargain. While prosecutors typically offer the plea bargain, defendants must agree to accept it and the courts must approve it.

Cases convicted via plea bargain are typically resolved more quickly than cases that go to a jury trial. Thus, it is notable that given the very high rates of plea bargains that the time to disposition for the majority of felony cases exceeds recommended practices. Again, though, this varies by both case characteristics, location, and time.

Prosecutors may dismiss some or all charges throughout the life of a case. Focusing on only the most serious offense, we found that the degree of the offense was more likely to change over the course of the case than the offense type. For instance, prosecutors may drop a drug trafficking offense to pursue a drug possession offense instead. This change is likely the result of both evidence and plea-bargaining practices. While the most notable change in most serious offense and degree severity occurs at the time of disposition, this does not account for all charge changes. Some charges are amended or dismissed throughout the life of the case. This is reflected in the change of the average number of cases throughout the life of the case. Furthermore, this study illustrates that cases involving more serious offenses move to district court. This may reflect the available evidence in these cases, or could indicate that prosecutors prioritize these cases. As noted at the beginning of this report, some policy analysts and legal scholars argue that these changes may reflect a tactic by prosecutors to facilitate plea bargains (Gershman, 2010; Subramanian et al., 2020). In other words, prosecutors engage in overcharging. The results of this study can neither support nor refute these accusations; instead, this study simply shows the degree to which there are changes in the offense type, degree, and number of charges and at what point in the process this occurs. Future research should assess the evidence available to ascertain whether overcharging may be occurring.

Finally, while this study cannot attribute differences in case trajectory and outcomes to prosecutorial discretion alone, this study does present evidence that suggests that there are some differences in the use of prosecutorial discretion across districts. Other district characteristics, expectations, and norms are also likely influential. Future studies could further explore the influence of place and other factors on case trajectory and outcomes to better tease this out.

Study Limitations

This study summarizes case progression, outcomes, time to resolution, and charge progression. It explores some bivariate relationships between key case factors and these outcomes. There are some important limitations. This study does not account for cases in which an arrest was made but a court case was never filed. This represents the first decision-making point for prosecutors: whether the initial

evidence indicates the case should be pursued. It is unknown how many cases involve an arrest that are never filed in the lower courts.

We found some notable differences across districts with respect to the proportion of cases that were dismissed by the prosecutor due to consolidation with another open case. It is possible, though, that this reflects differences in data entry practices rather than prosecutorial practices. Future research should explore this possibility.

Additionally, it is difficult to determine whether the influence of variables like district use of grand juries is a result of the grand jury process versus other factors related to the geographical location. Notably, the current study includes only whether grand juries are used in the district, not whether they are used in a specific case. Still, the results here mirror those found in Denman and Sandoval (2023), which identified how specific cases were bound over.

Finally, some cases were still pending disposition in the district courts. This means that the current study omits cases that were opened and still pending disposition from some analyses. Whether those cases differ from those included here is unknown. For instance, time to resolution may change once these cases are included in the analysis.

Despite these limitations, the current study provides some insight into the pursuance of felony cases in New Mexico.

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Appendices

Appendix A. Representativeness of Sample

Table A.1 Comparison of Sample to Universe of Cases by County

	All cases		Cases in sample		Sample cases fully disposed	
	N	%	N	%	N	%
BERNALILLO	27,680	29.5%	6,920	29.5%	6,380	29.9%
CATRON	77	0.1%	19	0.1%	15	0.1%
CHAVES	2,634	2.8%	659	2.8%	595	2.8%
CIBOLA	1,439	1.5%	360	1.5%	343	1.6%
COLFAX	1,305	1.4%	326	1.4%	301	1.4%
CURRY	2,864	3.1%	716	3.1%	628	2.9%
DE BACA	146	0.2%	37	0.2%	32	0.1%
DONA ANA	5,838	6.2%	1,460	6.2%	1,302	6.1%
EDDY	2,997	3.2%	749	3.2%	674	3.2%
GRANT	1,810	1.9%	453	1.9%	420	2%
GUADALUPE	575	0.6%	144	0.6%	131	0.6%
HARDING	5	0.01%	1	0.0%	1	0.0%
HIDALGO	412	0.4%	103	0.4%	93	0.4%
LEA	4,961	5.3%	1,240	5.3%	1,138	5.3%
LINCOLN	1,104	1.2%	276	1.2%	240	1.1%
LOS ALAMOS	258	0.3%	65	0.3%	63	0.3%
LUNA	1,249	1.3%	312	1.3%	267	1.2%
MCKINLEY	2,993	3.2%	748	3.2%	713	3.3%
MORA	208	0.2%	52	0.2%	48	0.2%
OTERO	2,617	2.8%	654	2.8%	580	2.7%
QUAY	729	0.8%	182	0.8%	168	0.8%
RIO ARriba	1,781	1.9%	445	1.9%	401	1.9%
ROOSEVELT	914	1.0%	229	1%	206	1%
SAN JUAN	8,133	8.7%	2,033	8.7%	1,825	8.5%
SAN MIGUEL	1,745	1.9%	436	1.9%	391	1.8%
SANDOVAL	4,335	4.6%	1,084	4.6%	1,006	4.7%
SANTA FE	6,546	7.0%	1,637	7%	1,544	7.2%
SIERRA	683	0.7%	171	0.7%	138	0.6%
SOCORRO	1,337	1.4%	334	1.4%	297	1.4%
TAOS	1,292	1.4%	323	1.4%	284	1.3%
TORRANCE	694	0.4%	174	0.7%	168	0.8%
UNION	284	0.3%	71	0.3%	64	0.3%
VALENCIA	4,055	4.3%	1,014	4.3%	908	4.3%
N	93,700	100%	23,427	100%	21,364	100%

Table A.2 Comparison of Sample to Universe of Cases by District

All cases			Cases in sample		Sample cases fully disposed	
District	N	%	N	%	N	%
1st	8,585	9.2%	2,147	9.2%	2,008	9.4%
2nd	27,680	29.5%	6,920	29.5%	6,380	29.9%
3rd	5,838	6.2%	1,460	6.2%	1,302	6.1%
4th	2,528	2.7%	632	2.7%	570	2.6%
5th	10,592	11.3%	2,648	11.3%	2,407	11.3%
6th	3,471	3.6%	868	3.6%	780	3.6%
7th	2,791	2.6%	698	2.9%	618	2.9%
8th	2,881	3.1%	720	3.1%	649	3.0%
9th	3,778	4.1%	945	4.1%	834	3.9%
10th	880	1.0%	220	1.0%	201	0.9%
11th	11,126	11.9%	2,781	11.9%	2,538	11.8%
12th	3,721	4.0%	930	4.0%	820	3.8%
13th	9,829	10.4%	2,458	10.4%	2,257	10.6%
N	93,700	100%	23,427	100%	21,364	100%

Appendix B: Variable Construction and Definitions

Table B.1 Construction of Key Variables.

Variable	Values	How variable was constructed
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 (https://www.cdc.gov/nchs/data_access/urban_rural.htm), 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.

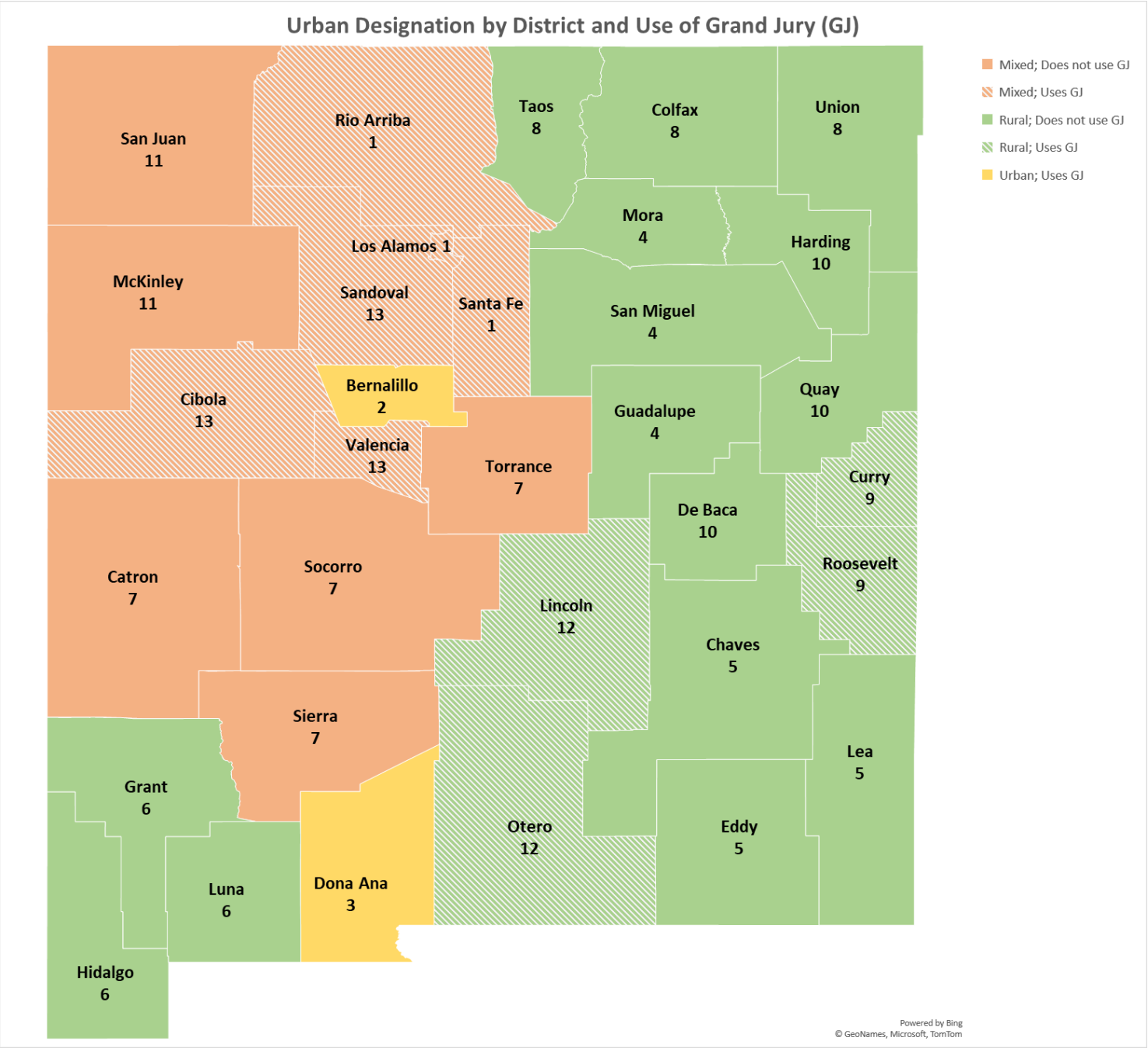
Table B.2 Definition of Offense Types

<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	Possess/carry/transport/negligent use of weapons; possession of explosives; stolen firearm
DWI	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

Table B.3 Definition of Case Outcomes Used in Section II

<i>Outcome</i>	<i>Definition</i>
Prosecutor dismissed	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.
Consolidated	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.
Court dismissed	This includes cases dismissed because the judge discharged the case, entered a directed verdict, or the defendant was acquitted of the charges.
Sanctioned	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>

Figure B. 1 Map of Urbanity and District Use of Grand Jury



Appendix C: Sample Description

Table C.1 Most Serious Offense Type

	All Cases		Disposed Cases	
	N	%	N	%
Violent	4,720	20%	4,268	20%
Crimes Against Persons	3,663	16%	3,356	16%
Weapons	606	3%	539	3%
Property	6,510	28%	5,999	28%
Drug	5,586	24%	5,068	24%
DWI	558	2%	492	2%
Public Order/ Other	1,780	8%	1,642	8%
N	23,423	100%	21,364	100%

Table C.2 Degree of Most Serious Offense

	All Cases		Disposed Cases	
	N	%	N	%
Capital or 1st Degree Felony	438	2%	358	2%
2nd Degree Felony	1,804	8%	1,594	8%
3rd Degree Felony	5,270	23%	4,807	22%
4th Degree Felony	13,387	57%	12,251	57%
Felony, unspecified	2,524	11%	2,354	11%
N	23,423	100%	21,364	100%

Table C.3 Urbanity

	All Cases		Disposed Cases	
	N	%	N	%
Urban	8,380	36%	7,682	36%
Rural	6,962	30%	6,261	29%
Mixed	8,081	34%	7,421	35%
N	23,423	100%	21,364	100%

Table C.4 Use of Grand Jury

All Cases		Disposed Cases	
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	N	%	N	%
Does not use or rarely uses grand jury	8,563	37%	7,763	36%
Uses grand jury	14,860	63%	13,601	64%
N	23,423	100%	21,364	100%

Table C.5 COVID-19 Restrictions

	All Cases		Disposed Cases	
	N	%	N	%
Filed pre-COVID	18,099	77%	17,340	81%
Filed post-COVID	5,324	23%	4,024	19%
N	23,423	100%	21,364	100%

Table C.6 Type of MSO by Urbanity

	All Cases				Disposed Cases			
	Urban	Rural	Mixed	All Cases	Urban	Rural	Mixed	All Cases
Violent	23%	18%	20%	20%	22%	18%	20%	20%
Crimes Against Persons	12%	16%	20%	16%	12%	16%	20%	16%
Weapons	3%	3%	2%	3%	3%	3%	2%	3%
Property	29%	28%	27%	28%	30%	28%	27%	28%
Drug	23%	26%	23%	24%	24%	26%	22%	24%
DWI	1%	2%	4%	2%	1%	2%	4%	2%
Public Order/ Other	9%	7%	6%	8%	10%	8%	6%	8%
N	8,380	6,962	8,081	23,423	7,682	6,261	7,421	21,364

Table C.7 Degree of MSO by Urbanity

	All Cases	Disposed Cases
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	Urban	Rural	Mixed	All Cases	Urban	Rural	Mixed	All Cases
Capital or 1st Degree Felony	2%	2%	2%	2%	2%	2%	2%	2%
2nd Degree Felony	7%	9%	8%	8%	6%	9%	8%	8%
3rd Degree Felony	19%	23%	26%	23%	18%	23%	27%	23%
4th Degree Felony	49%	61%	62%	57%	50%	61%	62%	57%
Felony, unspecified	24%	6%	2%	11%	24%	6%	6%	11%
N	8,380	6,962	8,081	23,423	7,682	6,261	7,421	21,364

Table C.8 Type of MSO at Lower Court Filing by Use of Grand Jury

	All Cases			Disposed Cases		
	Never or very rarely uses grand jury	Uses Grand Jury	All Cases	Never or very rarely uses grand jury	Uses Grand Jury	All Cases
Violent	19%	21%	20%	19%	20%	20%
Crimes Against Persons	18%	14%	16%	19%	14%	16%
Weapons	3%	3%	3%	3%	2%	3%
Property	26%	29%	28%	26%	29%	28%
Drug	24%	24%	24%	23%	24%	24%
DWI	4%	2%	3%	4%	2%	2%
Public Order/ Other	7%	8%	8%	7%	8%	8%
N	8,563	14,860	23,423	7,763	13,601	21,364

Table C.9 Degree of MSO at Lower Court Filing by Use of Grand Jury

	All Cases			Disposed Cases		
	Never or very rarely	Uses Grand Jury	All Cases	Never or very rarely	Uses Grand Jury	All Cases

	uses grand jury			uses grand jury		
Capital or 1st Degree Felony	2%	2%	2%	2%	2%	2%
2nd Degree Felony	8%	7%	8%	8%	7%	8%
3rd Degree Felony	25%	21%	23%	26%	21%	23%
4th Degree Felony	60%	55%	57%	60%	56%	57%
Felony, unspecified	4%	14%	11%	4%	15%	11%
N	8,563	14,860	23,423	17,340	4,024	21,364

Table C.10 Type of MSO at Lower Court Filing by COVID-19 Restrictions

	All Cases			Disposed Cases		
	Filed before COVID restrictions	Filed after COVID restrictions	All Cases	Filed before COVID restrictions	Filed after COVID restrictions	All Cases
Violent	19%	24%	20%	19%	25%	20%
Crimes Against Persons	16%	16%	16%	16%	16%	16%
Weapons	2%	4%	28%	2%	3%	2%
Property	29%	25%	28%	29%	26%	28%
Drug	24%	22%	24%	24%	21%	24%
DWI	3%	2%	2%	2%	1%	2%
Other/Public Order	8%	7%	8%	8%	7%	8%
N	18,099	5,324	23,423	17,340	4,024	21,364

Table C.11 Degree of MSO at Lower Court Filing by COVID-19 Restrictions

	All Cases			Disposed Cases		
	Filed before	Filed after COVID restrictions	All Cases	Filed before	Filed after COVID restrictions	All Cases

	COVID restrictions			COVID restrictions		
Capital or 1st Degree Felony	2%	2%	2%	2%	2%	2%
2nd Degree Felony	7%	8%	8%	7%	8%	7%
3rd Degree Felony	22%	24%	23%	22%	25%	22%
4th Degree Felony	58%	56%	57%	58%	56%	57%
Felony, unspecified	11%	9%	11%	11%	10%	11%
N	18,099	5,324	23,423	17,340	4,024	21,364

Appendix D. Mean Days to Resolution

Table D.1 Mean Days to Resolution by Court Type

Outcome	Ended in Lower court		Ended in District Court		Total	
	Mean (SD)	N	Mean (SD)	N	Mean (SD)	N
Dismissed by prosecutor	83 (117)	7,375	454 (353)	2,597	180 (263)	9,972
Dismissed by prosecutor, Consolidated	102 (124)	62	349 (249)	360	312 (250)	422
Dismissed by court	165 (239)	1,203	431 (328)	559	249 (297)	1,762
Convicted	103 (127)	1,466	377 (287)	7,742	333 (286)	9,208
<i>Plea bargain</i>	104 (129)	1,188	377 (287)	5,620	330 (286)	6,817
<i>Trial</i>	218 (188)	14	549 (318)	167	534 (322)	181
<i>Conditional discharge/deferral</i>	94 (111)	243	361 (280)	1,955	329 (280)	2,219
<i>Pre-prosecution diversion or non-criminal adjudication</i>	77 (64)	15	N/A	N/A	77 (64)	15
Total	96 (141)	10,106	397 (307)	11,258	254 (285)	21,364

Table D.2 Mean Days to Resolution by MSO and Court Type

MSO Type	Ended in Lower court		Ended in District Court		Total	
	Mean (SD)	N	Mean (SD)	N	Mean (SD)	N
Violent	81 (111)	2,159	398 (300)	2,109	238 (275)	4,268
Crimes against persons	96 (134)	1,754	413 (300)	1,602	247 (277)	3,356
Weapons	66 (95)	208	347 (306)	331	238 (282)	539
Property	109 (156)	2,919	401 (311)	3,080	259 (288)	5,999
Drug	99 (153)	2,039	390 (310)	3,029	273 (295)	5,068
DWI	128 (151)	179	432 (313)	313	321 (304)	492
Public Order/Other	82 (142)	848	370 (303)	794	221 (275)	1,642
Total	96 (141)	10,106	397 (307)	11,258	254 (285)	21,364

Table D.3 Mean Days to Resolution by Degree of MSO and Court Type

Degree	Ended in Lower court		Ended in District Court		Total	
	Mean (SD)	N	Mean (SD)	N	Mean (SD)	N
Capital Offense/1st Degree Felony	78 (138)	128	522 (341)	230	363 (356)	358
2nd Degree Felony	95 (137)	508	429 (321)	1,086	323 (317)	1,594
3rd Degree Felony	89 (114)	2,330	398 (291)	2,477	248 (272)	4,807
4th Degree Felony	100 (144)	5,710	395 (308)	6,541	257 (286)	12,251
Felony, unspecified	95 (170)	1,430	338 (297)	924	190 (257)	2,354
Total	96 (141)	10,106	397 (307)	11,258	255 (285)	21,364

Table D.4 Mean Days to Resolution by Judicial District and Court Type

District	Ended in Lower court		Ended in District Court		Total	
	Mean (SD)	N	Mean (SD)	N	Mean (SD)	N
1st	107 (129)	1,283	473 (353)	725	239 (294)	2,008
2nd	84 (160)	3,685	316 (297)	2,695	182 (255)	6,380
3rd	72 (101)	375	514 (360)	927	387 (368)	1,302
4th	115 (152)	192	355 (266)	378	274 (260)	570
5th	107 (117)	906	390 (262)	1,501	284 (259)	2,407
6th	100 (135)	306	326 (297)	474	237 (270)	780
7th	100 (100)	258	402 (277)	360	276 (266)	618
8th	100 (137)	223	501 (315)	426	363 (328)	649
9th	95 (124)	193	363 (231)	641	301 (239)	834
10th	76 (84)	66	297 (273)	135	225 (251)	201
11th	85 (114)	1,212	336 (247)	1,326	216 (232)	2,538
12th	101 (134)	168	478 (309)	652	401 (320)	820
13th	127 (150)	1,239	523 (333)	1,018	305 (318)	2,257
Total	96 (141)	10,106	397 (307)	11,258	255 (285)	21,364

Table D.5 Mean Days to Resolution by Urbanity and Court Type

Urbanity	Ended in Lower court		Ended in District Court		Total	
	Mean (SD)	N	Mean (SD)	N	Mean (SD)	N
Urban	83 (156)	4,060	366 (326)	3,622	217 (288)	7,682
Rural	103 (127)	2,054	398 (282)	4,207	301 (279)	6,261
Mixed	106 (131)	3,992	427 (312)	3,429	254 (283)	7,421
Total	96 (141)	10,106	397 (307)	11,258	255 (285)	21,364

Table D.6 Mean Days to Resolution by Use of Grand Jury and Court Type

Outcome	Ended in Lower court		Ended in District Court		Total	
	Mean (SD)	N	Mean (SD)	N	Mean (SD)	N
Does not use/rarely uses grand jury	97 (120)	3,163	374 (273)	4,600	261 (262)	7,763
Uses grand jury	96 (150)	6,943	413 (327)	6,658	251 (298)	13,601
Total	96 (141)	10,106	397 (307)	11,258	255 (285)	21,364

Table D.7 Mean Days to Resolution by COVID-19 Restrictions and Court Type

Outcome	Ended in Lower court		Ended in District Court		Total	
	Mean (SD)	N	Mean (SD)	N	Mean (SD)	N
Filed Before COVID Restrictions	107 (158)	7,456	398 (314)	9,884	273 (296)	17,340
Filed After COVID Restrictions	66 (68)	2,650	385 (245)	1,374	175 (216)	4,024
Total	96 (141)	10,106	397 (307)	11,258	255 (285)	21,364

Appendix E: Change in MSO and Degree of MSO at Key Points

This appendix includes information about the change in the MSO and degree of MSO at three key points: lower court filing to disposition, lower court disposition to district court filing, and district court filing to disposition. Tables illustrate how the MSO and degree change at each point. Additional tables illustrate how the MSO and degree of MSO change from filing to conviction in both lower court and district court.

Table E.1 MSO at Filing vs. Disposition in Lower Court

Lower Court Disposition	Lower Court Filing							Total
	Violent	Crimes against Persons	Weapons	Property	Drug	DWI	Public Order/Other	
Violent	94.5%	1.3%	0.2%	0.1%	0.0%	0.0%	0.2%	19.1%
Crimes against Persons	3.7%	92.7%	0.2%	0.6%	0.1%	1.2%	0.5%	15.6%
Weapons	0.2%	0.0%	95.5%	0.2%	0.0%	0.0%	0.1%	2.5%
Property	0.4%	0.5%	1.1%	98.0%	0.6%	0.4%	1.2%	27.9%
Drug	0.1%	0.3%	2.2%	0.4%	98.7%	1.2%	2.2%	23.8%
DWI	0.1%	1.6%	0.2%	0.2%	0.2%	96.3%	1.3%	2.7%
Public Order/Other	0.9%	3.7%	0.6%	0.5%	0.3%	0.8%	92.3%	8.1%
N	4,268	3,356	539	5,999	5,068	492	1,642	21,364

Table E.2 MSO at Filing vs. Conviction in Lower Court

Lower Court Conviction	Lower Court Filing							
	Violent	Crimes against Persons	Weapons	Property	Drug	DWI	Public Order/ Other	Total
Violent	17.0%	3.7%	0.0%	0.3%	0.0%	0.0%	0.0%	3.6%
Crimes against Persons	58.0%	55.2%	6.3%	7.0%	2.4%	1.6%	4.1%	25.8%
Weapons	3.1%	0.0%	12.5%	1.7%	0.3%	0.0%	0.7%	1.2%
Property	5.8%	3.2%	12.5%	74.6%	9.1%	1.6%	13.0%	23.1%
Drug	0.9%	1.3%	50.0%	6.5%	78.7%	4.9%	16.4%	19.9%
DWI	1.8%	13.6%	6.3%	2.8%	3.8%	86.9%	13.0%	10.2%
Public Order/ Other	13.4%	22.9%	12.5%	7.0%	5.6%	4.9%	52.7%	16.3%
N	224	375	16	355	287	61	146	1,464

Table E.3 Degree of MSO at Filing vs. Disposition Lower Court

Lower Court Disposition	All Cases at Lower Court Filing					Total
	1 st Degree Felony	2 nd Degree Felony	3 rd Degree Felony	4 th Degree Felony	Undetermined Felony	
1st Degree Felony	19.8%	0.1%	0.0%	0.0%	0.0%	0.3%
2nd Degree Felony	76.3%	0.2%	0.0%	0.0%	0.0%	1.3%
3rd Degree Felony	96.1%	0.3%	0.0%	0.0%	0.0%	1.6%
4th Degree Felony	0.6%	95.0%	0.3%	0.1%	0.1%	7.2%
Undetermined Felony	1.4%	1.0%	90.3%	0.3%	0.2%	20.6%
Misdemeanor	0.0%	1.3%	1.4%	90.8%	0.4%	52.5%
N	358	1,594	4,807	12,251	2,354	21,364

Table E.4 Degree of MSO at Filing vs. Conviction in Lower Court

	Filing Lower Court					
Conviction Lower Court	1 st Degree Felony	2 nd Degree Felony	3 rd Degree Felony	4 th Degree Felony	Unspecified Felony	Total
1 st Degree Felony	0%	0%	0%	0%	0%	0%
2 nd Degree Felony	0%	0%	0%	0%	0%	0%
3 rd Degree Felony	0%	0%	0.6%	0%	0%	0.1%
4 th Degree Felony	0%	0%	0%	0.9%	0%	0.6%
Unspecified Felony	0%	0%	0%	0%	1.1%	0.1%
Misdemeanor	100%	100%	99.4%	99.1%	98.9%	99.2%
N	6	34	347	990	89	1,466

Table E.5 MSO at Lower Court Disposition vs. District Court Filing

	Lower Court Disposition							
District Court Filing	Violent	Crimes against Persons	Weapons	Property	Drug	DWI	Public Order/ Other	Total
Violent	92.1%	4.6%	1.5%	0.7%	0.2%	0.0%	1.9%	18.4%
Crimes against Persons	4.5%	92.5%	0.6%	0.4%	0.3%	0.9%	2.2%	14.2%
Weapons	0.3%	0.1%	85.3%	0.3%	0.2%	0.0%	0.4%	2.8%
Property	1.6%	1.1%	3.9%	96.5%	0.7%	0.3%	6.7%	27.6%
Drug	0.6%	0.6%	8.4%	1.5%	98.1%	1.6%	7.7%	27.9%
DWI		0.4%	0.0%	0.0%	0.2%	97.2%	0.2%	2.9%
Public Order/Other	0.9%	0.6%	0.3%	0.6%	0.3%	0.0%	80.8%	6.2%
N	2,112	1,581	334	3,076	3,038	316	801	11,258

Table E.6 Degree of MSO at Lower Court Disposition vs. District Court Filing

District Court Filing	Lower Court Disposition						
	1 st Degree Felony	2 nd Degree Felony	3 rd Degree Felony	4 th Degree Felony	Undetermined Felony	Misdemeanor	Total
1st Degree Felony	72.5%	2.8%	80.0%	0.1%	0.7%	0.0%	2.0%
2nd Degree Felony	16.6%	85.2%	4.4%	1.2%	8.6%	0.0%	10.8%
3rd Degree Felony	7.4%	5.6%	85.7%	3.3%	9.2%	21.4%	22.1%
4th Degree Felony	3.1%	6.2%	8.3%	94.8%	79.1%	64.3%	64.3%
Undetermined Felony	0.4%	0.0%	0.2%	0.1%	1.9%	0.0%	0.2%
Misdemeanor	0.0%	0.2%	0.5%	0.6%	0.5%	14.3%	0.4%
N	229	1,068	2,453	6,551	915	42	11,258

Table E.7 MSO at District Court Filing vs. District Court Disposition

District Court Disposition	District court filing							Total
	Violent	Crimes against Persons	Weapons	Property	Drug	DWI	Public Order/ Other	
Violent	83.6%	3.8%	0.3%	0.6%	0.1%	0.0%	0.9%	16.1%
Crimes against Persons	10.9%	85.8%	0.0%	1.2%	0.3%	0.3%	2.0%	14.8%
Weapons	0.4%	0.1%	96.5%	0.5%	0.3%	0.0%	0.1%	3.0%
Property	2.4%	1.2%	0.3%	96.2%	1.1%	0.0%	1.4%	27.6%
Drug	0.3%	1.2%	2.3%	0.6%	97.1%	0.6%	1.8%	27.7%
DWI	0.1%	2.6%	0.3%	0.1%	0.5%	97.5%	0.6%	3.4%
Public Order/Other	2.2%	5.2%	0.3%	0.8%	0.7%	1.6%	93.2%	7.4%
N	2,067	1,604	311	3,109	3,142	322	703	11,258

Table E.8 MSO at District Court Filing vs. District Court Conviction

	District Court Filing							
District Court Conviction	Violent	Crimes against Persons	Weapons	Property	Drug	DWI	Public Order/ Other	Total
Violent	74.6%	5.4%	0.5%	0.9%	0.1%	0%	1.2%	13.7%
Crimes against Persons	17.2%	80.2%	0%	1.6%	0.4%	0.4%	3.3%	15.4%
Weapons	0.7%	0.2%	95.0%	0.7%	0.4%	0%	0.2%	2.9%
Property	3.6%	1.7%	0.5%	94.7%	1.4%	0%	2.4%	28.4%
Drug	0.5%	1.7%	3.5%	0.7%	96.1%	0.8%	2.6%	28.5%
DWI	0.2%	3.6%	0.5%	0.2%	0.7%	97.6%	1.0%	4.1%
Public Order/Other	3.2%	7.2%	0%	1.2%	0.9%	1.2%	89.3%	7.1%
N	1,305	1,129	199	2,203	2,232	255	419	7,742

Table E.9 Degree of MSO at District Court Filing vs. District Court Disposition

	District Court Filing						
District Court Disposition	1 st Degree Felony	2 nd Degree Felony	3 rd Degree Felony	4 th Degree Felony	Undetermined Felony	Misdemeanor	Total
1 st Degree Felony	44.8%	0.3%	0%	0%	0%	0%	1.0%
2 nd Degree Felony	28.1%	65.3%	0.2%	0%	0%	0.0%	7.7%
3 rd Degree Felony	14.9%	16.7%	70.4%	0.3%	0%	1.6%	17.9%
4 th Degree Felony	7.0%	14.9%	15.7%	85.4%	14.3%	0%	60.2%
Undetermined Felony	0%	0.1%	0.1%	0%	75.0%	0%	0.2%
Misdemeanor	5.3%	2.7%	13.6%	14.3%	10.7%	98.4%	13.1%
Count	228	1,215	2,486	7,240	28	61	11,258

Table E.10 Degree of MSO at District Court Filing vs. District Court Conviction

District Court Conviction	District Court Filing						
	1 st Degree Felony	2 nd Degree Felony	3 rd Degree Felony	4 th Degree Felony	Undetermined Felony	Misdemeanor	Total
1st Degree Felony	17.3%	0.2%	0%	0%	0%	0%	0.5%
2nd Degree Felony	40.0%	51.2%	0.2%	0%	0%	0%	6.5%
3rd Degree Felony	21.3%	23.8%	56.3%	0.3%	0%	0%	15.2%
4th Degree Felony	10.0%	21.2%	23.3%	79.4%	19.0%	0%	59.1%
Undetermined Felony	0%	0.1%	0.1%	0.0%	66.7%	0%	0.2%
Misdemeanor	7.5%	3.5%	20.1%	20.2%	14.3%	100.0%	18.5%
N	160	850	1,642	5,024	21	45	7,742