



Tenth Annual Statistical Report on DWI Court Dispositions in New Mexico

**Supreme Court of New Mexico
Administrative Office of the Courts**

May, 2015

Table of Contents

Introduction	1
Calendar Year 2014 Statistical Summary	1
Misdemeanor Dismissals and Re-filings	1
How DWI Convictions are Calculated	1
DWI Statistical Tables	2 – 6

A Statistical Report on DWI in New Mexico, 1997 - 2014

Prepared by the New Mexico Administrative Office of the Courts

Introduction

The Administrative Office of the Courts (AOC) is pleased to present the Tenth Annual Statistical Report on DWI Court Dispositions in New Mexico. This report contains statistical information on DWI cases adjudicated in New Mexico magistrate courts, district courts, and the Bernalillo County Metropolitan Court (BCMC) from 1997 through 2014.

Calendar Year 2014 Statistical Summary

For calendar year 2014, 12,268 DWI cases were adjudicated by state courts in New Mexico. District courts disposed of 1,891 felony DWI cases, magistrate courts disposed of 6,524 misdemeanor DWI cases, and the BCMC disposed of 3,853 misdemeanor DWI cases.

Misdemeanor Dismissals and Felony Re-filings

Every year, approximately eight percent of misdemeanor court dismissals are later re-filed by prosecutors as felonies in district courts. While these cases were technically "dismissed," the defendants associated with these dismissed cases were re-charged by prosecutors as felons rather than misdemeanants. As such, magistrate and BCMC court disposition tables on pages 3 and 4, only reflect pre-indictment dismissals; however, when prosecutors dismiss a case in anticipation of re-filing the case as a felony, the dismissal is simply a necessary step in charging the defendant with a felony DWI. This should be taken into consideration when considering overall dismissal rates for the Metropolitan Court and magistrate courts.

How DWI Bind-Overs are Counted

Preliminary hearings for felony DWI cases are first heard in magistrate courts in all counties except for Bernalillo County. When a magistrate judge rules that probable cause exists for a particular DWI case, the case will be transferred to a district court for a felony trial. These case transfers, called "bind-overs," are not dismissals, but are simply a method for transferring felony DWI cases from a limited jurisdiction court to a general jurisdiction court. Since 1997, the bind-over rate of all magistrate court DWI cases has fluctuated between 7.5 to 14 percent. All DWI cases bound over to district courts are counted as district court DWI adjudications in this report.

Underlying Traffic Convictions are Not Counted as DWI Convictions

Even when all DWI charges against a defendant are dismissed, field research has shown that many dismissed DWI cases contain convictions on underlying non-DWI traffic charges. These traffic charges typically occur when a driver is stopped for a traffic infraction and the arresting officer subsequently charges the driver with DWI. Even if the DWI charge is dismissed, the defendant may be convicted for underlying traffic offenses. For this report, convictions for underlying traffic offenses that are associated with DWI charges *are not* counted as DWI convictions.

DWI Cases Disposed For Calendar Year 2014 District Courts By Location

County	Total Cases	Total Convictions	Total Acquittals	Conditionally Discharged	Other Dispositions	Total Dismissed	Dismissed By Prosecutor	Dismissed By Court	Dismissed 6 Month Rule	Other Dismissals
BERNALILLO	520	83.5%	0.4%	0.2%	0.0%	16.2%	13.1%	1.2%	0.0%	1.7%
CATRON	0	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CHAVES	82	75.6%	6.1%	0.0%	0.0%	18.3%	14.6%	1.2%	1.2%	1.2%
CIBOLA	27	55.6%	0.0%	0.0%	0.0%	44.4%	33.3%	3.7%	7.4%	0.0%
COLFAX	6	50.0%	0.0%	0.0%	0.0%	50.0%	33.3%	0.0%	16.7%	0.0%
CURRY	54	66.7%	1.9%	1.9%	0.0%	31.5%	13.0%	14.8%	0.0%	1.9%
DE BACA	5	40.0%	0.0%	0.0%	0.0%	60.0%	60.0%	0.0%	0.0%	0.0%
DONA ANA	194	83.0%	1.6%	0.0%	0.0%	15.5%	13.9%	1.6%	0.0%	0.0%
EDDY	42	78.6%	2.4%	2.4%	0.0%	19.1%	7.1%	4.8%	4.8%	0.0%
GRANT	20	65.0%	0.0%	10.0%	0.0%	35.0%	15.0%	5.0%	0.0%	5.0%
GUADALUPE	3	66.7%	0.0%	33.3%	0.0%	33.3%	0.0%	0.0%	0.0%	0.0%
HARDING	1	0.0%	0.0%	0.0%	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%
HIDALGO	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
LEA	66	78.8%	3.0%	0.0%	0.0%	18.2%	15.2%	0.0%	3.0%	0.0%
LINCOLN	25	80.0%	0.0%	0.0%	0.0%	20.0%	16.0%	0.0%	4.0%	0.0%
LOS ALAMOS	3	33.3%	0.0%	0.0%	0.0%	66.7%	66.7%	0.0%	0.0%	0.0%
LUNA	19	68.4%	0.0%	0.0%	0.0%	31.6%	26.3%	0.0%	0.0%	5.3%
MCKINLEY	75	60.0%	1.3%	0.0%	0.0%	38.7%	26.7%	10.7%	1.3%	0.0%
MORA	4	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
OTERO	64	82.8%	4.7%	3.1%	0.0%	12.5%	6.3%	0.0%	1.6%	1.6%
QUAY	10	30.0%	0.0%	0.0%	0.0%	70.0%	70.0%	0.0%	0.0%	0.0%
RIO ARRIBA	57	87.7%	0.0%	0.0%	0.0%	12.3%	7.0%	5.3%	0.0%	0.0%
ROOSEVELT	19	57.9%	0.0%	0.0%	0.0%	42.1%	42.1%	0.0%	0.0%	0.0%
SAN JUAN	254	83.9%	1.6%	0.4%	0.0%	14.6%	11.4%	2.8%	0.0%	0.0%
SAN MIGUEL	32	84.4%	0.0%	0.0%	0.0%	15.6%	15.6%	0.0%	0.0%	0.0%
SANDOVAL	100	78.0%	0.0%	3.0%	0.0%	22.0%	1.0%	14.0%	0.0%	4.0%
SANTA FE	97	69.1%	0.0%	2.1%	0.0%	30.9%	27.8%	0.0%	1.0%	0.0%
SIERRA	3	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
SOCORRO	10	50.0%	0.0%	0.0%	0.0%	50.0%	50.0%	0.0%	0.0%	0.0%
TAOS	41	80.5%	2.4%	2.4%	0.0%	17.1%	7.3%	4.9%	2.4%	0.0%
TORRANCE	8	62.5%	12.5%	0.0%	0.0%	25.0%	25.0%	0.0%	0.0%	0.0%
UNION	2	0.0%	0.0%	0.0%	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%
VALENCIA	47	74.5%	2.1%	0.0%	0.0%	23.4%	2.1%	10.6%	8.5%	2.1%
Statewide	1891	78.2%	1.4%	0.8%	0.0%	20.4%	14.5%	3.2%	0.9%	1.0%

Total Cases

Cases disposed in a year

Total Convictions

Conviction rate for cases disposed

Total Acquittals

Acquittal rate for cases disposed

Conditionally Discharged

Conditional discharge rate for cases disposed

Other Dispositions

Cases not dismissed but which do not fit into column heading categories

Total Dismissed

Dismissal rate for all cases disposed

Dismissed by Prosecutor

Cases dismissed by a court subsequent to motion for dismissal by a prosecutor

Dismissed By Court

Cases dismissed by a judge

Dismissed 6 Month Rule

Cases dismissed under the six month rule

DWI Cases Disposed For Calendar Year 2014 Magistrate Courts By Location

County	Total Cases	Total Convictions	Total Acquittals	Conditional Discharge	Other Dispositions	Total Dismissed	Dismissed By Prosecutor	Dismissed By Court	Dismissed 6 Month Rule	Other Dismissal
CATRON	6	66.7%	16.7%	0.0%	0.0%	16.7%	16.7%	0.0%	0.0%	0.0%
CHAVES	234	72.7%	3.9%	0.0%	0.0%	23.5%	21.4%	2.1%	0.0%	0.0%
CIBOLA	156	55.1%	3.9%	0.0%	0.0%	41.0%	33.3%	4.5%	1.9%	1.3%
COLFAX	41	56.1%	0.0%	0.0%	0.0%	43.9%	34.2%	4.9%	0.0%	4.9%
CURRY	157	78.3%	1.9%	0.0%	0.0%	19.8%	15.3%	3.2%	0.0%	1.3%
DE BACA	11	54.6%	0.0%	0.0%	0.0%	45.5%	36.4%	9.1%	0.0%	0.0%
DONA ANA	1260	79.8%	1.3%	0.0%	0.0%	19.0%	12.2%	2.9%	2.7%	1.2%
EDDY	200	83.0%	1.0%	0.0%	0.0%	16.0%	11.5%	1.5%	2.5%	0.5%
GRANT	101	75.3%	2.0%	0.0%	0.0%	22.8%	19.8%	1.0%	2.0%	0.0%
GUADALUPE	45	73.3%	2.2%	0.0%	0.0%	24.4%	22.2%	2.2%	0.0%	0.0%
HARDING	2	50.0%	0.0%	0.0%	0.0%	50.0%	50.0%	0.0%	0.0%	0.0%
HIDALGO	36	80.6%	2.8%	0.0%	0.0%	16.7%	16.7%	0.0%	0.0%	0.0%
LEA	369	74.8%	0.3%	0.0%	0.0%	24.9%	23.3%	1.6%	0.0%	0.0%
LINCOLN	86	90.7%	1.2%	0.0%	0.0%	8.1%	5.8%	2.3%	0.0%	0.0%
LOS ALAMOS	41	87.8%	0.0%	0.0%	0.0%	12.2%	7.3%	2.4%	2.4%	0.0%
LUNA	84	79.8%	2.4%	0.0%	0.0%	17.9%	15.5%	1.2%	0.0%	1.2%
MCKINLEY	535	57.6%	2.2%	0.0%	0.0%	40.2%	25.1%	4.3%	1.7%	9.2%
MORA	31	71.0%	0.0%	0.0%	0.0%	29.0%	22.6%	3.2%	0.0%	3.2%
OTERO	230	87.0%	1.7%	0.0%	0.0%	11.3%	10.9%	0.4%	0.0%	0.0%
QUAY	51	76.5%	3.9%	0.0%	0.0%	19.6%	15.7%	3.9%	0.0%	0.0%
RIO ARRIBA	295	36.3%	0.7%	0.0%	0.0%	63.1%	55.6%	4.8%	1.4%	1.4%
ROOSEVELT	50	78.0%	2.0%	0.0%	0.0%	20.0%	16.0%	4.0%	0.0%	0.0%
SAN JUAN	540	75.4%	0.9%	0.0%	0.0%	23.7%	14.6%	5.6%	0.4%	3.2%
SAN MIGUEL	153	80.4%	1.3%	0.0%	0.0%	18.3%	16.3%	2.0%	0.0%	0.0%
SANDOVAL	251	49.4%	0.4%	0.0%	0.0%	50.2%	12.0%	16.3%	2.4%	19.5%
SANTA FE	844	63.4%	0.7%	0.0%	0.0%	35.9%	29.9%	2.8%	1.3%	1.9%
SIERRA	57	73.7%	1.8%	0.0%	0.0%	24.6%	19.3%	5.3%	0.0%	0.0%
SOCORRO	124	74.2%	0.0%	0.0%	0.0%	25.8%	21.8%	4.0%	0.0%	0.0%
TAOS	218	70.2%	0.9%	0.0%	0.0%	28.9%	23.9%	2.8%	0.5%	1.8%
TORRANCE	54	75.9%	0.0%	0.0%	0.0%	24.1%	16.7%	5.6%	1.9%	0.0%
UNION	4	75.0%	0.0%	0.0%	0.0%	25.0%	25.0%	0.0%	0.0%	0.0%
VALENCIA	258	60.9%	2.7%	0.0%	0.0%	36.4%	6.6%	13.2%	2.3%	14.3%
Statewide	6524	70.1%	1.4%	0.0%	0.0%	28.6%	20.2%	4.0%	1.3%	3.1%

Total Cases	Cases disposed in a year
Total Convictions	Conviction rate for cases disposed
Total Acquittals	Acquittal rate for cases disposed
Conditionally Discharged	Conditional discharge rate for cases disposed
Other Dispositions	Cases not dismissed but which do not fit into column heading categories
Total Dismissed	Dismissal rate for all cases disposed
Dismissed by Prosecutor	Cases dismissed by a court subsequent to motion for dismissal by a prosecutor
Dismissed By Court	Cases dismissed by a judge
Dismissed 6 Month Rule	Cases dismissed under the six month rule

DWI Cases Disposed For Calendar Years 1997 Through 2014 District Courts By Year

Year	Total Cases	Total Convictions	Total Acquittals	Conditionally Discharged	Other Dispositions	Total Dismissed	Dismissed By Prosecutor	Dismissed By Court	Dismissed 6 Month Rule	Other Dismissals
1997	1224	84.6%	0.4%	0.0%	3.8%	11.2%	6.0%	0.0%	0.0%	5.1%
1998	1460	82.2%	0.3%	0.0%	2.7%	14.9%	8.9%	0.0%	0.0%	6.0%
1999	1705	83.6%	0.5%	0.0%	2.8%	13.1%	8.3%	0.0%	0.2%	4.6%
2000	1753	78.4%	0.5%	0.1%	1.1%	20.0%	9.1%	0.1%	0.3%	10.4%
2001	1687	84.7%	0.4%	0.1%	0.5%	14.3%	7.3%	0.0%	0.2%	6.8%
2002	1936	84.4%	0.5%	0.2%	2.0%	13.0%	5.7%	0.0%	0.3%	6.9%
2003	1960	85.2%	0.6%	0.2%	0.7%	13.4%	10.3%	0.6%	0.3%	2.2%
2004	2218	86.4%	0.5%	0.7%	0.0%	12.4%	10.3%	1.2%	0.5%	0.3%
2005	2326	83.4%	0.9%	0.7%	0.0%	15.0%	11.7%	2.5%	0.5%	0.4%
2006	2416	82.3%	1.2%	1.0%	0.0%	15.5%	12.9%	1.8%	0.5%	0.3%
2007	2725	83.5%	1.1%	0.4%	0.0%	15.0%	12.5%	1.8%	0.4%	0.3%
2008	3111	82.3%	1.0%	0.0%	0.2%	16.4%	14.2%	1.6%	0.5%	0.2%
2009	2826	82.5%	0.9%	0.5%	0.0%	16.1%	13.0%	2.3%	0.5%	0.2%
2010	2276	80.6%	1.4%	0.0%	0.0%	17.9%	14.4%	2.6%	0.6%	0.3%
2011	2303	82.2%	1.5%	0.2%	0.0%	16.2%	13.0%	2.4%	0.6%	0.2%
2012	1955	83.0%	1.2%	0.2%	0.0%	15.5%	12.2%	2.9%	0.5%	0.1%
2013	1939	81.2%	0.8%	0.6%	0.1%	18.0%	13.1%	3.4%	0.9%	0.0%
2014	1891	78.2%	1.4%	0.8%	0.0%	20.4%	14.5%	3.2%	0.9%	1.0%

Total Cases	Cases disposed in a year
Total Convictions	Conviction rate for cases disposed
Total Acquittals	Acquittal rate for cases disposed
Conditionally Discharged	Conditional discharge rate for cases disposed
Other Dispositions	Cases not dismissed but which do not fit into column heading categories
Total Dismissed	Dismissal rate for all cases disposed
Dismissed by Prosecutor	Cases dismissed by a court subsequent to motion for dismissal by a prosecutor
Dismissed By Court	Cases dismissed by a judge
Dismissed 6 Month Rule	Cases dismissed under the six month rule

DWI Cases Disposed For Calendar Years 1997 Through 2014 Magistrate Courts By Year

Year	Total Cases	Total Convictions	Total Acquittals	Conditionally Discharged	Other Dispositions	Total Dismissed	Dismissed By Prosecutor	Dismissed By Court	Dismissed 6 Month Rule	Other Dismissals
1997	7458	80.1%	0.8%	0.2%	0.5%	18.5%	5.8%	0.0%	0.8%	11.9%
1998	7161	77.5%	0.6%	0.1%	0.6%	21.2%	6.1%	0.1%	0.6%	14.4%
1999	7412	77.0%	0.7%	0.1%	0.9%	21.3%	7.6%	0.1%	1.0%	12.6%
2000	7415	76.5%	0.5%	0.3%	0.3%	22.5%	8.1%	0.1%	0.8%	13.4%
2001	7119	76.1%	0.6%	0.2%	0.6%	22.5%	9.1%	0.2%	0.9%	12.3%
2002	6713	77.7%	0.8%	0.2%	0.9%	20.3%	8.5%	0.1%	0.9%	10.8%
2003	7529	76.8%	0.6%	0.2%	1.1%	21.3%	10.0%	0.2%	0.8%	10.3%
2004	8181	75.5%	0.9%	0.1%	0.9%	22.6%	12.9%	0.4%	1.3%	7.9%
2005	7633	72.4%	0.7%	0.0%	0.0%	26.8%	22.6%	1.5%	0.9%	1.8%
2006	7571	69.6%	0.8%	0.0%	0.1%	29.6%	26.0%	1.2%	0.8%	1.6%
2007	7914	71.3%	0.9%	0.0%	0.0%	27.7%	23.7%	1.8%	1.0%	1.1%
2008	8034	70.7%	0.7%	0.0%	0.1%	28.5%	24.1%	1.9%	1.0%	1.6%
2009	9032	69.3%	1.2%	0.0%	0.1%	29.4%	25.1%	1.8%	1.3%	1.2%
2010	8324	68.7%	1.3%	0.0%	0.1%	29.9%	25.0%	2.5%	1.1%	1.4%
2011	7532	67.2%	1.4%	0.0%	0.1%	31.3%	27.6%	2.3%	0.8%	0.6%
2012	6656	72.6%	1.6%	0.0%	0.0%	25.8%	18.4%	3.4%	0.7%	0.2%
2013	6598	68.9%	1.5%	0.0%	0.0%	29.7%	20.3%	4.1%	1.7%	3.5%
2014	6524	70.1%	1.4%	0.0%	0.0%	28.6%	20.2%	4.0%	1.3%	3.1%

Total Cases	Cases disposed in a year
Total Convictions	Conviction rate for cases disposed
Total Acquittals	Acquittal rate for cases disposed
Conditionally Discharged	Conditional discharge rate for cases disposed
Other Dispositions	Cases not dismissed but which do not fit into column heading categories
Total Dismissed	Dismissal rate for all cases disposed
Dismissed by Prosecutor	Cases dismissed by a court subsequent to motion for dismissal by a prosecutor
Dismissed By Court	Cases dismissed by a judge
Dismissed 6 Month Rule	Cases dismissed under the six month rule

DWI Cases Disposed For Calendar Years 1997 Through 2014 Bernalillo Metropolitan Court By Year

Year	Total Cases	Total Convictions	Total Acquittals	Conditionally Discharged	Other Dispositions	Total Dismissed	Dismissed By Prosecutor	Dismissed By Court	Dismissed 6 Month Rule	Other Dismissals
1997	2869	58.3%	1.9%	0.0%	0.1%	39.7%	28.5%	5.0%	3.1%	3.1%
1998	5119	67.0%	2.0%	0.0%	0.0%	31.0%	21.2%	5.2%	2.1%	2.6%
1999	4980	64.4%	2.6%	0.0%	0.1%	33.0%	20.5%	5.0%	4.1%	3.4%
2000	4899	69.5%	1.6%	0.0%	0.0%	28.9%	19.0%	3.9%	3.7%	2.3%
2001	6073	70.6%	1.4%	0.0%	0.1%	28.0%	17.6%	3.9%	4.0%	2.5%
2002	6144	66.1%	1.6%	0.0%	0.0%	32.2%	20.0%	5.0%	4.6%	2.7%
2003	6706	62.6%	1.8%	0.0%	0.0%	35.7%	21.8%	5.9%	5.5%	2.5%
2004	6407	60.0%	2.0%	0.0%	0.0%	38.0%	23.8%	5.5%	5.3%	3.3%
2005	6536	64.2%	2.0%	0.0%	0.0%	33.7%	24.1%	4.5%	2.8%	2.3%
2006	5940	69.1%	2.0%	0.0%	0.0%	28.9%	26.2%	1.0%	1.3%	0.4%
2007	6851	71.8%	1.3%	0.0%	0.0%	26.8%	24.0%	0.7%	1.4%	0.7%
2008	7135	69.4%	0.7%	0.0%	0.0%	29.9%	27.5%	0.7%	0.8%	0.9%
2009	6648	66.6%	0.7%	0.0%	0.0%	32.7%	29.7%	0.5%	0.7%	1.8%
2010	5497	65.4%	2.0%	0.0%	0.0%	32.6%	29.7%	0.9%	0.3%	1.7%
2011	4650	65.5%	1.6%	0.0%	0.0%	32.9%	29.9%	1.5%	0.4%	1.1%
2012	4732	67.9%	2.4%	0.0%	0.0%	25.9%	23.7%	1.6%	0.3%	0.3%
2013	4534	57.9%	3.5%	0.1%	0.2%	38.4%	33.4%	1.0%	0.6%	3.4%
2014	3853	47.5%	2.4%	0.0%	0.2%	49.9%	45.5%	1.6%	1.1%	1.7%

Total Cases	Cases disposed in a year
Total Convictions	Conviction rate for cases disposed
Total Acquittals	Acquittal rate for cases disposed
Conditionally Discharged	Conditional discharge rate for cases disposed
Other Dispositions	Cases not dismissed but which do not fit into column heading categories
Total Dismissed	Dismissal rate for all cases disposed
Dismissed by Prosecutor	Cases dismissed by a court subsequent to motion for dismissal by a prosecutor
Dismissed By Court	Cases dismissed by a judge
Dismissed 6 Month Rule	Cases dismissed under the six month rule