

**THIRD JUDICIAL DISTRICT COURT  
COUNTY OF DONA ANA  
STATE OF NEW MEXICO**

**D-307-CV-2019-01611  
(Miscellaneous)**

**IN THE MATTER OF: THE CRIMINAL JUSTICE COORDINATING COUNCIL**

**THIRD JUDICIAL DISTRICT  
CRIMINAL JUSTICE COORDINATING COUNCIL**

**OCTOBER 21, 2020  
12:00 PM TO 1:00 P.M.**

Chair: Judge Joel Cano, Doña Ana County Magistrate Court

Chief Judge Manuel I. Arrieta, Third Judicial District Court

Called to order: 12:01 pm

AGENDA:

**Roll Call**

<b>Agency</b>	<b>Member</b>
<i>Third Judicial District Court</i>	Judge Arrieta, Stacey Madson, Samantha Woodward
<i>Dona Ana Magistrate Court</i>	Judge Cano, Bernice Ramos, Leticia Padilla
<i>Anthony Municipal Court</i>	Antonio Cervantes
<i>Hatch Municipal Court</i>	Absent
<i>Las Cruces Municipal Court</i>	Judge Goldbaum, Melissa Caldwell
<i>Town of Mesilla Municipal Court</i>	Andrea Carbajal
<i>Sunland Park Municipal Court</i>	Maria Rubio
<i>Third Judicial District Attorney's Office</i>	Gerald Byers
<i>Law Office of Public Defender</i>	Absent
<i>Dona Ana Sheriff's Department</i>	Captain Day, Sheriff Kim Stewart
<i>Las Cruces Police Department</i>	Paul Brock
<i>New Mexico State Police Department</i>	Absent
<i>New Mexico State University Police Dept</i>	Andrew Bowen
<i>Sunland Park Police Department</i>	Absent

<i>Anthony Police Department</i>	Chief Ordonez
<i>Mesilla Marshall's</i>	Absent
<i>Hatch Police Department</i>	Absent
<i>Dona Ana County Codes Enforcement</i>	Absent
<i>Dona Ana County Detention Center</i>	Captain Bryan Baker
<i>Dona Ana County Defense Bar</i>	Michael Stout
<i>Mesilla Valley Regional Dispatch</i>	Robert Milks
<i>CYFD</i>	Absent
<i>City of Las Cruces</i>	Absent
<i>Dona Ana County Compliance</i>	Chelo Guerrero
<i>Memorial Medical Center</i>	Absent
<i>Community Service Corps</i>	Joel Diemer
<i>La Casa</i>	Absent
<i>Department of Finance &amp; Administration</i>	Absent
<i>Adult Probation and Parole</i>	Gina Franco
<i>VIVTROL/MAT</i>	Stacey Graninger

**1. Approval of September Minutes**

- a. Michael Stout: motions to approve the agenda
- b. Judge Arrieta: motions to approve September minutes as stated at 12:09 pm;  
Sheriff Kim Stewart seconds
  - i. September minutes approved at 12:10 pm

**2. Council Approval of 1) Statutory Members and 2) Voting Members Designated by Chief Judge Arrieta**

- i. *Michael Stout*: wants to amend agenda to reflect approval of report of the pretrial release committee and to modify Robert's rules of order; Mr. Stout is allowed to present on the committee
- ii. Judge Arrieta motions for approval of the statutory members and voting members at 12:14 PM: Michael Stout seconds this motion and it is approved unanimously
- b. *Statutory Members Designated*:
  - i. Chief Judge Arrieta (all courts)
  - ii. Gerald Byers: District Attorney's Office
  - iii. Kristofer Knutson: Law Office of the Public Defender
  - iv. Sherriff Kim Stewart: Law Enforcement
  - v. Captain Bryan Baker: Dona Ana County Detention Center
  - vi. Dr. Joel Diemer: Behavioral Health
  - vii. Pat Acosta: Outreach programs
- c. *Voting Members Designated*:
  - i. Captain John Day: Law Enforcement
  - ii. Chief Judge Arrieta: State Courts

- iii. Judge Joy Goldbaum: Municipal Court
- iv. Gerald Byers: District Attorney's Office
- v. Kristofer Knutson: Law Office of the Public Defender
- vi. Sheriff Kim Stewart: Dona Ana County Sheriff's Office
- vii. Michael Stout: Dona Ana Criminal Defense Lawyer's Association
- viii. Dr. Joel Diemer: Behavioral Health

**3. Proposed Vote on Amendments to January 14, 2020 CJCC Bylaws as Follows:**

- a. Amendment #1: Eliminate Article 4 (Officers) – not required by statutes for creation of CJCC
  - i. Judge Arrieta reviewed the Criminal Reduction Act and saw that officers are not required because CJCC is a counsel
- b. Amendment #2: Eliminate Article 5 (Executive Committee)
  - i. This is not required by statutes or the Criminal Reduction Act and would allow for designation of subcommittees by presiding judge.
- c. Amendment #3: Amend Article 11 to state "Meetings of the CJCC and its subcommittees will generally follow Robert's Rules where necessary. The Rules can be modified by a majority of the voting members."
  - i. The rules should be generally followed, but only where it's necessary.
- d. *Concerns:*
  - i. Michael Stout had concerns regarding timeline of modifying bylaws and publication of agenda and minutes
  - ii. Michael Stout motions (12:24 pm) that the council follow Robert's Rules of Order as modified, but would like to have the modification put in writing to loosen the rules pursuant to a recognized procedure to make it as simple and streamlined as possible
  - iii. Judge Cano proposes that Judge Arrieta try to clarify what would be amended at the next meeting and consider this meeting more than 10 days notice.
  - iv. Judge Arrieta postpones the bylaw amendments to the next meeting.

**4. Selection of Non-Voting Members by Council**

- a. Michael Stout motion to designate every entity that was named in roll call to give them the opportunity to be a nonvoting member of the council and that each entity designate a person to be a representative by sending an email to Judge Cano and then the council will approve.
  - i. Judge Goldbaum: seconds motion
  - ii. Judge Cano calls for votes from voting members:
    - 1. Captain John Day: approve
    - 2. Judge Goldbaum: approve
    - 3. Gerald Byers: approve
    - 4. Sheriff Stewart: approve
    - 5. Michael Stout: approve
    - 6. Mr. Diemer: approve
      - a. Motion approved

- b. All entities needed to submit their designee nominations to Judge Cano by November 8, 2020.

#### **5. Pretrial Release Report**

- a. Michael Stout: wants to broaden the scope of the membership of the committee. Right now, the committee members include Larissa Duran, Kristofer Knutson, Director Baker, Mr. Diemer, and Judge Goldbaum. They are going to meet a couple of weeks before the next meeting and will come to the council with recommendations about released issues and how the system might be improved.

#### *Committee Member Discussion:*

- b. Sheriff Stewart: invites everybody to participate in a public survey at [nmlegis.org](http://nmlegis.org) and click on the Civil Rights Commission page to weigh in on Qualified Immunity
- c. Deputy Chief Brock: still dealing with COVID issued and election day coming up
- d. City of Anthony Police: nothing to report
- e. Judge Cano: the Supreme Court is asking if anybody is interested in serving on a commission on Equity and Justice to respond by November 25
- f. Gerald Byers: nothing to report.
- g. Mr. Diemer: concerned about the fact that COVID may be producing an extreme amount of stress on the police department and first responders and he has no awareness of anything that's being done to take care of the kind of issue
- h. Judge Goldbaum/Municipal Court: nothing to report
- i. Robert Milks/MVRDA: nothing to report
- j. Bernice Ramos/Magistrate Court: wants to reach out to law enforcement and advise them to not tell defendants to call the court regarding their insurance being compliant. The need to follow the normal protocol and send proof of insurance through email and the court will send them whatever they need through mail or email
- k. Judge Arrieta/District Court: We need to stay in communication with each other because infection results will affect everything.
- l. Melissa Caldwell: they have been able to conduct court proceedings virtually; overall court operations have run very well

Michael Stout motions to adjourn and Judge Arrieta seconds; meeting adjourned at 1:03 pm

**Next meeting:** November 18, 2020