

**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

**AGENDA
THIRD JUDICIAL DISTRICT
CRIMINAL JUSTICE COORDINATING COUNCIL**

**NOVEMBER 18, 2020
NOON TO 1:00 P.M.**

Chair: Judge Joel Cano, Doña Ana County Magistrate Court
Chief Judge Manuel I. Arrieta, Third Judicial District Court
AGENDA:

Called to order at 12:00 pm by Judge Cano

Roll Call

Agency	Member
<i>Third Judicial District Court</i>	Judge Arrieta, Stacey Madson, Samantha Woodward, Lindsey Saiz
<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
<i>Town of Mesilla Municipal Court</i>	Absent
<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>	Kristofer Knutson
<i>Dona Ana Sheriff's Department</i>	Captain John Day, Sheriff Kim Stewart
<i>Las Cruces Police Department</i>	Paul Brock

<i>New Mexico State Police Department</i>	Captain Jessie Williams
<i>New Mexico State University Police Dept</i>	Absent
<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>	Marie Lou Ward
<i>Dona Ana County Detention Center</i>	Bryan Baker
<i>Dona Ana County Defense Bar</i>	Michael Stout
<i>Mesilla Valley Regional Dispatch</i>	Robert Milks
<i>CYFD</i>	Richard Johnson
<i>City of Las Cruces</i>	Absent
<i>Dona Ana County Compliance</i>	Chelo Guerrero
<i>Memorial Medical Center</i>	Tenika Sosa Gonzales
<i>Community Service Corps</i>	Joel Dimer
<i>La Casa</i>	Pat Acosta
<i>Department of Finance & Administration</i>	Absent
<i>Adult Probation and Parole</i>	Gina Franco
<i>VIVTROL/MAT</i>	Absent
<i>Aprendamos Intervention Team</i>	Daniel Hurtado

1. Approval of October Minutes

- a. *Amendments to October minutes*: Judge Cano is going to be one of the voting members, not Judge Arrieta.
 - i. Michael Stout motions to approve the minutes as amended
 1. Judge Arrieta seconds the motion
 - a. Minutes approved at 12:03 pm as amended
- Michael Stout opposed to amending the bylaws and moves to eliminate #2 of the agenda and continue with the remaining items on the agenda, which should include the addition of the approval of non-voting members
 - Judge Arrieta views the elimination of an agenda item by motion violates the Open Meetings Act because the suggested amendments were discussed on October 21 and the discussion was continued
 - Michael Stout does not withdraw motion after further explanation from Judge Arrieta
 - Michael Stout asserts that rule 10-15-1 of the Open Meetings Act is not met and that voting on the amendments would be unlawful. He does not wish to be part of something that violates the law.
 - After hearing argument from both sides, Judge Cano finds that Michael Stout's motion is without merit.

2. [15 minutes] Proposed Vote on Amendments to January 14, 2020, CJCC Bylaws as follows (*continued action from 10/21/20 meeting*):

- a. Judge Arrieta reiterated that the purpose of these amendments is to lessen the procedural arguments.
- Amendment #1: Eliminate Article 4 (Officers) – not required by statutes for creation of CJCC
 - Gerald Byers motions to vote on Amendment #1
 - Judge Arrieta seconds the motion
 - *Captain John Day*: Yes
 - *Judge Goldbaum*: No
 - *Gerald Byers*: Yes
 - *Kristofer Knutson*: abstain
 - *Sheriff Kim Stewart*: Yes
 - *Michael Stout*: No
 - *Dr. Joel Diemer*: No
 - *Judge Cano (tie breaking vote)*: Yes
 - **Amendment passed**
- Amendment #2: Eliminate Article 5 (Executive Committee) – not required by statutes or the Act – and allow for designation of subcommittees by Presiding Judge
 - Michael Stout asserts that the vote on the first Amendment makes this Amendment moot, but Judge Arrieta calls for vote.
 - Gerald Byers motions to vote on Amendment #2
 - Judge Arrieta seconds the motion
 - *Captain John Day*: yes
 - *Judge Goldbaum*: No
 - *Gerald Byers*: Yes
 - *Kristofer Knutson*: No
 - *Sheriff Kim Stewart*: Yes
 - *Michael Stout*: No
 - *Dr. Joel Diemer*: No
 - **Amendment defeated and not passed.**
- 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.”
 - Gerald Byers motions to vote on Amendment #3
 - Judge Arrieta seconds the motion
 - *Captain John Day*: yes
 - *Judge Goldbaum*: no
 - *Gerald Byers*: yes
 - *Kristofer Knutson*: Yes
 - *Sheriff Kim Stewart*: Yes
 - *Michael Stout*: No
 - *Dr. Diemer*: No

○ Amendment passed

3. Officer Magistrate Court Calendar Application (Stacey Madson)

- a. The 12th Judicial District Court out of Alamogordo is using a software and application that allows officers to have their court hearings available on their cell phone or online. It is designed for use with the Magistrate Courts. This app lets them know which courtroom they would be in and if a hearing has been continued. Stacey Madson asks if anybody would be interested in bringing that type of software to this judicial district.
 - i. Captain John Day would like to see the software and is interested in it. Asserts that this would be a movement forward to allow law enforcement to be able to assist the courts.

4. General Discussion of topics/issues with CJ partners:

- *Third Judicial District Court*: all jury trials suspended through the start of January
- *Magistrate Court*: Should be getting more direction from AOC regarding pretrial rules to submit to Judge Arrieta for his approval.
- *Anthony Municipal Court*: no topics for discussion.
- *Las Cruces Municipal Court*: undiagnosed and untreated mental health issues causing a lot of petty crime
- *Sunland Park*: no topics for discussion.
- *Third Judicial District Attorney's Office*: there is a large backlog of cases that need to be addressed; wants to either reinstate Grand Jury or increase preliminary hearing capability
- *Law Office of the Public Defender*: interested in knowing how much money is being saved by not having Grand Jury; reminder of rule 5-302 regarding discovery
- *Dona Ana Sheriff's Department*: no topics for discussion
- *Las Cruces Police Department*: no topics for discussion
- *New Mexico State Police Department*: pretrial interview process interplay between attorneys; getting evidence orders streamlined
- *Anthony Police Department*: CJCC should be streamlined to address issues that the members have.
- *Dona Ana County Codes Enforcement*: no topics for discussion
- *Dona Ana County Detention Center*: no topics for discussion
- *Dona Ana County Defense Bar*: agrees with issues from DA and PD
- *Mesilla Valley Regional Dispatch*: need clarification on electronic warrants
- *CYD*: no topics for discussion
- *Dona Ana County Compliance*: issue with house arrest orders and working with those defendants; high rate of DV cases having unsupervised probation
- *Memorial Medical Center*: violent patients in ER; unable to accommodate patients and they require precious resources that we don't have

- *Community Service Corps*: don't have appropriate resources in this district to deal with mental health issues
 - *La Casa*: concerned with DV cases being pled down
 - *Adult Probation and Parole*: no issues to discuss.
 - *Aprendamos Intervention Team*: asks to present at next meeting about services offered
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- Daniel Hurtado with Aprendamos Intervention Team asks to be able to present at the next meeting.

Gerald Byers motions to adjourn
Judge Arrieta seconds motion

Meeting adjourned at 1:15 pm

Next Meeting: December 16, 2020