

**THIRD JUDICIAL DISTRICT COURT
COUNTY OF DOÑA 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
AMENDED**

**JANUARY 18, 2023
12:00 P.M. 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 12:03 pm

Roll Call

Agency	Member
<i>Third Judicial District Court</i>	Chief Judge Arrieta, David Borunda, Tiffany McMinn, Brandi Sanchez, Jodie Delgado
<i>Dona Ana Magistrate Court</i>	Judge Cano, Judge Duffin, Jackie Douglas
<i>Anthony Municipal Court</i>	Mary Munoz, Judge Holguin
<i>Hatch Municipal Court</i>	
<i>Las Cruces Municipal Court</i>	
<i>Town of Mesilla Municipal Court</i>	
<i>Sunland Park Municipal Court</i>	
<i>Third Judicial District Attorney's Office</i>	Gerald Byers, Yvette Sierra
<i>Law Office of Public Defender</i>	
<i>Dona Ana Sheriff's Department</i>	
<i>Las Cruces Police Department</i>	Lieutenant Peter Bradley
<i>New Mexico State Police Department</i>	Captain Jesse Williams
<i>New Mexico State University Police Dept</i>	Deputy Chief Justin Dunivan
<i>Sunland Park Police Department</i>	
<i>Anthony Police Department</i>	
<i>Mesilla Marshall's</i>	
<i>Hatch Police Department</i>	
<i>Dona Ana County Codes Enforcement</i>	Bryan Halsey
<i>Dona Ana County Detention Center</i>	
<i>Dona Ana County Defense Bar</i>	Michael Stout
<i>Mesilla Valley Regional Dispatch</i>	Robert Milks

<i>CYFD</i>	
<i>City of Las Cruces</i>	
<i>Dona Ana County Compliance</i>	Chelo Guerrero
<i>Memorial Medical Center</i>	
<i>Community Service Corps</i>	Mary Martinez White
<i>Behavioral Health</i>	Joel Diemer
<i>La Casa</i>	Flor Gonzales, Sergio Gonzales
<i>Department of Finance & Administration</i>	
<i>Adult Probation and Parole</i>	Gina Franco
<i>Dona Ana County Health & Human Services</i>	
<i>New Mexico Sentencing Commission</i>	

1. Approval of November Minutes

- a. Michael Stout motions for approval
- b. Lieutenant Bradley seconds
 - i. Approved at 12:09 pm

2. Honorable Chief Judge Manuel Arrieta, Third Judicial District Court

a. On Call Phone Status

- i. Advises had on call phone last week, and only had one call on Wednesday afternoon for emergency DV matter, but usually has more calls during the weekend
- ii. States he wants to make sure with law enforcement that there isn't an issue, because judges want to be responsive and attentive to on call phone matters
- iii. States that judging by the sirens he hears that is probably not that quiet and wants to see if law enforcement has any questions
- iv. No questions brought up by any CJCC members
- v. Advises that in August 2022 the On Call Warrant Procedure was amended
- vi. Indicates previously search warrants were limited and most would be processed through Magistrate Court Judges, but decided to extend authorization to District Court Judges with regards to first degree felony crimes such as homicide, human smuggling, pornography, and/or other felonies
- vii. Warrant Procedure has remained the same; Ask if any CJCC Members have questions
- viii. **Gerald Byers** states no questions on what was described, but looking at November minutes it refers to new letter or document and request a copy of this letter/document
- ix. **David Bournda** states he previously sent it when subject came up a couple of months ago, but will get it sent to the District Attorney's office
- x. **Judge Cano** asks if any CJCC members have any other questions for Judge Arrieta; if not, Judge Arrieta may proceed to second item

b. Case Management Order Discussion

- i. Third Judicial District Court will be receiving a Supreme Court Order in about 30 days or so that will streamline criminal cases on the court's side to have jury trials within six (6) months rather than in one (1) year or more
- ii. States cases will be tracked on a tracking system labeled Track One (1), Track Two (2) or Track Three (3)
- iii. In the order, the Chief Judge will be the supervisory authority of the court system and it will have shorter deadlines, but this will not affect older cases. It will only involve cases moving forward from the filing

- date of the order
- iv. States once it is received it will be sent out to CJCC, and this will affect all of CJCC because Albuquerque has had it in effect for a few years so they are used to it now. DA Byers can add to this or clarify anything if needed
 - v. **Gerald Byers** states there are three tracks and the best way to describe is to look at how courts analyze cases. The third track is the longest, which is four hundred fifty-five (455) days, and the first track is the shortest, which is two hundred forty (240) days. The District Attorney's office will get with law enforcement to get timeframes between scientific and non-scientific evidence to provide to the Supreme Court because they want realistic timeframes and do not want things to sit. The Supreme Court wants an end result that is something workable and invite case resolution. It will be different for all parties involved, and it will require some streamlining of the process. The District Attorney's office will work with law enforcement on the discovery process as well
 - vi. **Michael Stout** states with the Albuquerque/Bernalillo County case management order in effect lessons have been learned over years. Question is how much input is CJCC allowed to have, because there are a lot of problems with the Albuquerque system and it doesn't work well to put things from Albuquerque on Las Cruces. There are violations of the order in terms of discovery and curious if in terms of the details of the order will CJCC have some input
 - vii. **Judge Arrieta** states this order from the Supreme Court is because they have decided the Third District needs to take care of the criminal case backlog and court procedures. The Supreme Court will make the final decision and some input has already been provided. The Supreme Court states sanctions can be imposed and the Court will have some discretion. If issues need to be resolved then can get input and send the justification up from the Third Judicial District Court to the Supreme Court for consideration of the amendment of the procedural order
 - viii. **Michael Stout** asks what would the timing be for input
 - ix. **Judge Arrieta** states there would be no time currently to provide input and the order should be received in about 30 days or so. Once the order is received if there are issues then can provide input to Chief Judge Arrieta
 - x. **Michael Stout** questions so are we doing this on a run
 - xi. **Judge Arrieta** states and confirms yes
 - xii. **Gerald Byers** reiterates that nobody is aware of the final version and this is currently the only thing that can be shared on the general framework. The arraignment date and status conference date will be the triggering dates for the tracks described previously. The clock will start with the status conference date and at that point, a track will be designated. The deadline for pleas will be driven based on status conference date and have been considered in the drafting process. At the beginning it was driven by the trial dates, but for purposes of planning a reasonable date was the status conference. A Change of Plea initiates the case in the field to get to the District Attorney. The District Attorney's office will share the framework so that no one is operating on misapprehension. There is no provision that will allow to get more scientists, but this is a work in progress. People will have an opportunity to give feedback, but have to start somewhere. The

District Attorneys agree that there have been excessive continuances which delays justice. This will allow for motivation to have cases to become resolved timely. The District Attorneys will only ask and agree to one continuance

- xiii. **Michael Stout** questions does the case management order begin with the case once it is received in District Court or earlier
- xiv. **Judge Arrieta** states his understanding is the assignment to a track will occur when case is filed in District Court after Grand Jury Indictment or Preliminary Hearing occurs then that is when the days start to count and this will apply to all cases
- xv. **Gerald Byers** states the initial point of reference is the arraignment date based on indictment or criminal information filed. The references are contained in the draft are for District Court
- xvi. **Michael Stout** states in Albuquerque the court system started implementing Preliminary Hearings and fewer Grand Jury Proceedings and questions if the District Attorney's Office will have the same intentions
- xvii. **Gerald Byers** states the case management order in Albuquerque happened prior to COVID and currently do not have the capability to increase the use of Preliminary Hearings. The District Attorney's Office is struggling due to staffing and only currently have eleven (11) attorneys, and it would require attorneys to be present in court. It would also require a subpoena for law enforcement to bring in evidence therefore, it is best to continue with Grand Jury Proceedings.
- xviii. **Judge Arrieta** states the Third Judicial District Court has the same structural and staff problems. There are only seven (7) bailiffs and when there are criminal proceedings it requires two (2) bailiffs to be assigned. One example is filing motions of a particular type could have an effect on this
- xix. **Michael Stout** states will have to disagree with the use of Preliminary Hearings versus Grand Jury Proceedings
- xx. **Judge Arrieta** asks CJCC members if there are any other questions; no response from CJCC members. States once the order is entered it will be brought up to CJCC members attention as soon as possible and discuss the issue. States the order will come up suddenly and do not want to be unprepared but will try to make this go smoothly

3. Chelo Guerrero, Dona Ana County Health & Human Services

a. Request Letter of Support for Annual Grant of DWI Funds

- i. Advises will need to submit three to four (3-4) letters of support, and requesting a letter of support from CJCC for this year
- ii. States the program continues to fund prevention compliance treatment
- iii. States this year they are estimating \$1.3 million in distribution which would add \$650,000 in program fees
- iv. **Judge Cano** states he is aware one of the letters will come from CJCC, but questions where the other letter will come from
- v. **Chelo Guerrero** advises she will reach out to the DWI Planning Council and other partnering agencies such as La Casa
- vi. **Judge Cano** questions CJCC members if anyone is opposed to the letter of support
- vii. **Michael Stout** states he assumes there is no problem of supporting, but CJCC doesn't have proper **quorum** due to bylaws
- viii. **Judge Cano** states will note being asked to provide letter of support

- and thinks it will be okay
- ix. **Michael Stout** states CJCC can't take official action
 - x. **Judge Cano** asks if there are any other questions or statements from any CJCC members
 - xi. **Brandi Sanchez** advises Chelo Guerrero has sent the letter of support draft and will circulate it via email after today's CJCC Meeting
 - xii. **Judge Cano** states upon review will have it printed on letterhead for signature from Judge Arrieta and Judge Cano then Brandi will send to Chelo via email
 - xiii. **Flor Gonzales** states La Casa would be willing to write a letter of support and provide it to Chelo for submission

Judge Cano asks CJCC Members if any other announcements

Judge Duffin: Magistrate Court has welcomed Judge Bryan Gelecki upon the retirement of Judge Norman Osborne, and there will be a mass reassignment of cases

Mary Martinez White: The two projects from Community Corps will be introduced in the upcoming legislative session, and Mary Martinez White will be receiving Star Award for work with behavioral health

Flor Gonzales: After a meeting with the DV Coalition, they will be selecting three (3) sites to become a coordinated community site project, and Flor will be reaching out to request a letter of support once able to provide more details of the project

Gerald Byers: NM has made national news due to Saloman Pena. Federal and state law enforcement are investigating the homicide of a defense attorney in Santa Fe. Sharing his concerns, and advising to be aware of surroundings because there is not a domestic terrorism statue in NM

Judge Arrieta: On January 27, 2023 from 12:00 pm to 2:00 pm, there will be a hybrid update report from SIM Taskforce, and will go over five (5) areas including an introduction, review of the SIM map, the overview of the structure, and the Data Collection Project

David Borunda: The Legislative Session has begun, and would like to wish good luck to all agencies. Next week on January 24, 2023 Chief Justice Bacon will give the state of the judiciary that will be broadcasted on the NM Legislative website, www.nmlegis.gov

Judge Holguin: Anthony Municipal Court has been included to attend on January 25, 2023 the Planning and Zoning (P&Z) Commission Regular Meeting for Discussion Regarding City of Anthony Master Plan at the Council Chambers of Anthony, NM

David Borunda: Magistrate Court has been working with Reinaldo Gutierrez, Court Facilities Manager with AOC, and he along with Magistrate Management will attend the January 25, 2023 meeting. They will continue to provide updates on the Dos Lagos project as they become available

Judge Arrieta moves for adjournment

- **Michael Stout seconds**
- **Adjourned at 12:56 pm**