

**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**

**MAY 18, 2022  
12:00 P.M. TO 1:00 P.M.**

**AGENDA:**

Called to order at 12 pm

**Roll Call**

<b><i>Agency</i></b>	<b><i>Member</i></b>
<i>Third Judicial District Court</i>	David Borunda, Judge Arrieta, Jodie Delgado, Tiffany McMinn, Brandi Sanchez, Lindsey Saiz, Samantha Woodward
<i>Dona Ana Magistrate Court</i>	Judge Cano, Judge Duffin, Jacqueline Douglas
<i>Anthony Municipal Court</i>	Judge Holguin, Antonio Cervantes
<i>Hatch Municipal Court</i>	
<i>Las Cruces Municipal Court</i>	Judge Goldbaum
<i>Town of Mesilla Municipal Court</i>	Ramona Molina
<i>Sunland Park Municipal Court</i>	
<i>Third Judicial District Attorney's Office</i>	Gerald Byers, Heather Chavez, Yvette Sierra
<i>Law Office of Public Defender</i>	Kristofer Knutson

<i>Dona Ana Sheriff's Department</i>	John Day
<i>Las Cruces Police Department</i>	Lieutenant Peter Bradley
<i>New Mexico State Police Department</i>	Greg Smith
<i>New Mexico State University Police Dept</i>	Justin Dunivan
<i>Sunland Park Police Department</i>	
<i>Anthony Police Department</i>	
<i>Mesilla Marshall's</i>	
<i>Hatch Police Department</i>	Chief Thornton
<i>Dona Ana County Codes Enforcement</i>	
<i>Dona Ana County Detention Center</i>	Brian Baker
<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>	Yolanda Salas
<i>Memorial Medical Center</i>	
<i>Community Service Corps</i>	Mary White
<i>Behavioral Health</i>	Joel Diemer
<i>La Casa</i>	Flor Gonzales
<i>Department of Finance &amp; Administration</i>	
<i>Adult Probation and Parole</i>	Gina Franco
<i>VIVITROL/MAT</i>	
<i>Aprendamos Intervention Team</i>	
<i>Dona Ana County Health and Human Services</i>	

<i>New Mexico Sentencing Commission</i>	Derek Chin
<i>Misc.</i>	Mark Gemoets Raymundo Rojas Enrique Palomares Albert Duran Kelly O'Connell Larissa Duran

### 1. Approval of April Minutes

- a. Judge Goldbaum moves to approve minutes
- b. Judge Arrieta seconds the motion
  - i. April minutes approved at 12:07 pm

### 2. Chief Judge Manuel Arrieta

- a. Not a lot of new information regarding COVID; still at 3-foot distancing and still required to wear masks in public areas; still required to have the public wear masks in actual court rooms
- b. There will be an investiture of new judges tomorrow and the Court will be following COVID protocols; the investiture starts at 3 pm.
- c. Jury Issues because of installation of new jury program called Clearview; the program is not generating the information that they need; let Judge Arrieta know if they have some issues with the program
  - i. Jackie Douglas: everything has gone pretty smooth at Magistrate Court; they have had upset jurors because of Clearview and everybody is just trying to get used to the new program; nothing that our court is doing - it's a new system and everyone is trying to get used to it
  - ii. Judge Cano: not experiencing any problems with jury at Magistrate Court
  - iii. Gerald Byers: seating charts and strike sheets; prosecutors use those and they're not able to receive these things in advance which creates a logistical problem; would like this problem addressed and looking for guidance on the issue concerning exhibits
  - iv. Judge Arrieta: everybody received an invitation to the SIM training for June 2 - 3; this is a training that the CJCC approved and it includes law enforcement, detention, jail, the court, community members that deal with mental health; this will provide training about what they need as an entity to deal with issues of mental health; contact Jaime Michaels at the county if they didn't get their invitation

### 3. Heather Cosentino Chavez

- a. Gerald Byers: the DA's office is requesting relief and guidance in the protocols for exhibits because it is expensive and time consuming
- b. Heather Chavez:

- i. *COVID Protocols for Trial Exhibits*: part of the issue and concern is what they feel is inconsistency across the bench, but this is creating some difficulty and thinks this is worth a conversation so that they could speak directly to that; with COVID protocols being relaxed at this point, maybe there could be some consistency with the requirements for trial exhibits; asks Judge Arrieta for some guidance or to maybe set a meeting
- ii. Judge Cano: could Judge Arrieta call a meeting for everybody so that they can go over and discuss what the expectations for exhibits are? Could there be some agreements made?
- iii. Judge Arrieta: asks that Heather Chavez contact Judge Arrieta's assistant with dates, but would like to know in detail what the issues are
- iv. *Grand Jury (Request for Extra Days)*: Can discuss this in more length later; the DA's office still has a backlog from COVID; wanted to address the possibility of asking for additional days for grand jury and would ask for a couple of extra days in each panel;
- v. Judge Arrieta: ask that the DA's office put that in a separate email request and include numbers on the backlog; having an extra day for grand jury would affect other areas (arraignments, warrants, etc); would question if we would have enough staff to cover all this; Whatever we do in one area is going to affect other areas; send him a proposal as to what they would like to see and he will visit with staff and see what they can do
- vi. Michael Stout: the Criminal Defense Bar would like to be involved in this issue

#### **4. Kris Knutson**

##### **a. Magistrate Court In Jail Arraignments**

- i. Kris Knutson: has come to his attention that the arraignments last past 4 or 4:30, and the jail has unilaterally agreed that they will not honor release orders after 4 pm because of their staffing difficulties; morning in-jail arraignments might be a solution; worried about people not being released from jail and release orders not being honored
- ii. Judge Duffin: Judge Arrieta and her have expressed concerns about defendants not being released after 4 pm and they have discussed this with the jail and Nelson Goodin. They have voiced that this is not a good policy and there are some Constitutional issues that need to be addressed. They are working with the jail to get the arraignments done as quickly as possible.
- iii. Judge Arrieta: Bryan Baker assured Judge Arrieta that there were people on his staff that would be able to process release orders

#### **5. Michael Stout**

- a. Issue of dismissal of cases because officers didn't have a PTI. Wants to stress the importance of having good discovery and interview practices. There is a lot of inconsistency about different procedures for different judges
- b. The next step is for everybody to get together and discuss this.
  - i. Kris Knutson: Case management orders are probably on their way and this will relieve a lot of issues.
  - ii. Judge Cano: suggests to all defense attorneys on the line to ask to be placed on next month's agenda and have a coordinated effort to highlight main issues.

*Meeting adjourned at 1:05 pm*