

1 **IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

2
3 **January 6, 2020**

4
5 **NO. 20-8110**

6
7 **IN THE MATTER OF THE ESTABLISHMENT**
8 **OF THE AD HOC COMMITTEE TO REVIEW**
9 **PRETRIAL RELEASE AND DETENTION PROCEDURES**

10
11 **ORDER**

12 WHEREAS, on February 25, 2015, this Court established the Ad Hoc
13 Pretrial Release Committee to consider any reforms needed to pretrial release
14 procedures governing criminal proceedings in New Mexico state courts;

15 WHEREAS, on November 8, 2016, the voters approved an amendment to
16 Article II, Section 13, of the New Mexico Constitution to reform pretrial release
17 and detention practices in this state;

18 WHEREAS, the Ad Hoc Pretrial Release Committee recommended a
19 number of rule amendments to implement the constitutional amendment, which
20 this Court adopted in 2017 and 2018;

21 WHEREAS, the Court wishes to form a new ad hoc committee to review
22 and make any recommendations the committee deems advisable for improving the
23 pretrial detention procedure based on data-driven input, such as the recent study by
24 University of New Mexico researchers that analyzed nearly 6,400 cases in
25 Bernalillo County between July 2017 and March 2019 in which defendants
26 charged with felonies were released from custody pending trial. *See* Elise
27 Ferguson, M.A., Helen De La Cerda, B.A., Paul Guerin, Ph.D., *Bernalillo County*

1 *Public Safety Assessment Review – July 2017 to March 2019*, University of New
2 Mexico, Institute for Social Research (November 2019); and

3 WHEREAS, in light of the foregoing, and the Court being sufficiently
4 advised, Chief Justice Judith K. Nakamura, Justice Barbara J. Vigil, Justice
5 Michael E. Vigil, Justice C. Shannon Bacon, and Justice David K. Thomson
6 concurring;

7 NOW, THEREFORE, IT IS ORDERED that the Ad Hoc Committee to
8 Review Pretrial Release and Detention Procedures hereby is ESTABLISHED and
9 shall be comprised of the following fifteen (15) members:

10 Hon. Edward L. Chávez;
11 Supreme Court Justice (ret.)

12 Chief Judge Stan Whitaker, or his designee,
13 Second Judicial District Court;

14 District Judge James T. Martin,
15 Third Judicial District Court

16 Chief Judge Sandra Engel, or her designee,
17 Bernalillo County Metropolitan Court;

18 District Attorney Raúl Torrez, or his designee,
19 Second Judicial District Attorney's Office;

20 District Attorney Dianna Luce, or her designee,
21 Fifth Judicial District Attorney's Office;

22 Chief Public Defender Ben Baur, or his designee,
23 Law Offices of the Public Defender;

24 Chief Mike Geier, or his designee,
25 Albuquerque Police Department;

1 Matthew L. Garcia,
2 Office of the Governor;

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4 Secretary Mark Shea,
5 Department of Public Safety;

6 Senator Sander Rue,
7 New Mexico State Senate;

8 Senator Jacob Candelaria,
9 New Mexico State Senate;

10 Representative Dayan Hochman-Vigil,
11 New Mexico House of Representatives;

12 Representative Bill Rehm,
13 New Mexico House of Representatives;

14 Prof. Leo Romero,
15 UNM School of Law;

16 IT IS FURTHER ORDERED that Hon. Edward L. Chávez is designated to
17 serve as chair of the committee and shall only vote in the event of a tie;

18 IT IS FURTHER ORDERED that the committee shall submit an initial
19 report to this Court on or before March 31, 2020, which may include proposed
20 amendments to the rules governing pretrial detention proceedings in Bernalillo
21 County or statewide as the committee deems advisable;

22 IT IS FURTHER ORDERED that the committee shall circulate to every
23 District Court Criminal Justice Coordinating Council any proposed rule
24 amendments regarding pretrial detention that the committee considers
25 recommending to this Court and shall solicit and consider coordinating council

1 input before the committee votes on the proposed rule amendment to submit for
2 the Court's consideration;

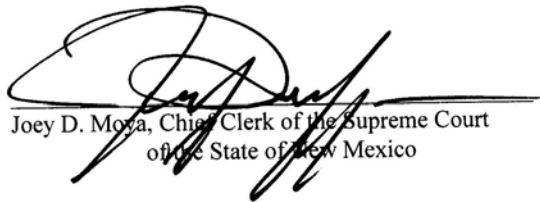
3 IT IS FURTHER ORDERED that the Director of the Administrative Office
4 of the Courts, or his designee, shall provide administrative staff support to the
5 committee and the Office of Supreme Court Counsel shall provide legal research
6 and drafting support to the committee; and

7 IT IS FURTHER ORDERED that the committee shall schedule as many
8 public meetings as it deems necessary to inform its work.

9 IT IS SO ORDERED.



WITNESS, the Honorable Judith K. Nakamura,
Chief Justice of the Supreme Court of the State of
New Mexico, and the seal of said Court this 6th day
of January, 2020.


Joey D. Moya, Chief Clerk of the Supreme Court
of the State of New Mexico

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