

## New Mexico Administrative Office of the Courts

### Preventive Detention Motions and Outcomes

In FY23, 22,996 felony cases were filed in Magistrate and Metropolitan Courts. 1,968 preventive detention motions were filed or 8.6% of all felony cases. A Judicial Officer made a decision of either “granted” or “denied” in 88%, or 1,741, of the motions. The Judicial Officers granted preventive detention on 59% of these cases.

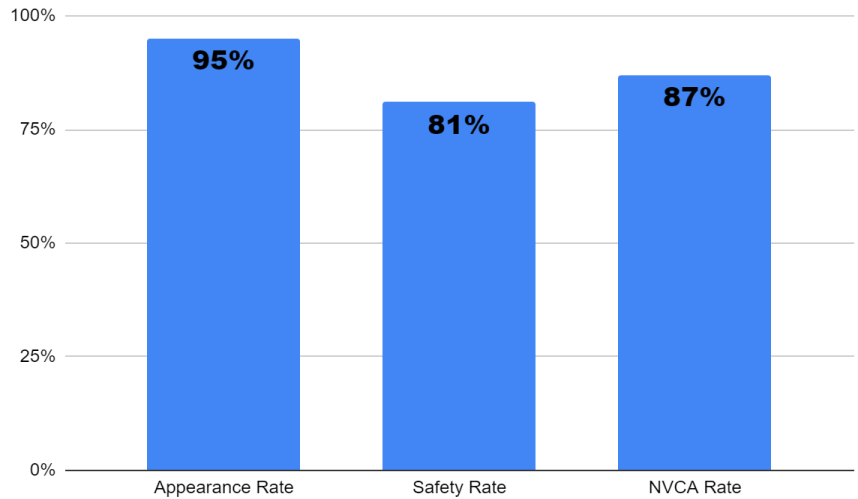
The chart breaks down the number of motions filed by the granted, denied, nolle’d, withdrawn, and other categories. The “other” category includes cases that may be in a stay status due to competency being raised, dismissals of the case, or pending motion determinations.

In 12% of the “other” cases from the 1,968 motions, Judicial Officers did not have an opportunity to make a decision to either grant or deny the motion; the case may have been Nolle’d, Withdrawn, or some other event took place, such a motion raising competency, that inhibited a decision being made.

Pretrial Detention Motions FY23 (July 1, 2022-June 30, 2023)											
Court	# Of Motions Filed	Granted		Denied		Nolle'd		Withdrawn		Other	
1st	137	58	42.34%	54	39.42%	10	7.30%	9	6.57%	6	4.38%
2nd	1154	604	52.34%	466	40.38%	39	3.38%	26	2.25%	19	1.65%
3rd	131	40	30.53%	63	48.09%	20	15.27%	2	1.53%	6	4.58%
4th	5	4	80.00%	1	20.00%	0	0.00%	0	0.00%	0	0.00%
5th	108	54	50.00%	28	25.93%	9	8.33%	15	13.89%	2	1.85%
6th	62	44	70.97%	12	19.35%	2	3.23%	2	3.23%	2	3.23%
7th	17	12	70.59%	1	5.88%	1	5.88%	1	5.88%	2	11.76%
8th	51	25	49.02%	17	33.33%	5	9.80%	4	7.84%	0	0.00%
9th	87	47	54.02%	24	27.59%	0	0.00%	15	17.24%	1	1.15%
10th	15	11	73.33%	4	26.67%	0	0.00%	0	0.00%	0	0.00%
11th	110	73	66.36%	23	20.91%	4	3.64%	6	5.45%	4	3.64%
12th	37	22	59.46%	8	21.62%	4	10.81%	1	2.70%	2	5.41%
13th	54	33	61.11%	13	24.07%	3	5.56%	2	3.70%	3	5.56%
<b>Total</b>	<b>1968</b>	<b>1027</b>	<b>52.18%</b>	<b>714</b>	<b>36.28%</b>	<b>97</b>	<b>4.93%</b>	<b>83</b>	<b>4.22%</b>	<b>47</b>	<b>2.39%</b>

## Denied Motion Outcomes

Preventive Detention was denied on 248 of the motions filed outside of the 2nd Judicial District Court (Bernalillo County) in FY23. In 236 (95%) of the cases, the defendant appeared for all court hearings during the pretrial phase of the case. In 201 (81%) of the cases, the defendant was not charged with a new offense during the pretrial phase of the case. In 216 (87%) of the cases the defendant was not charged with a new violent offense during the pretrial phase of the case.



## Highest Charge Category of NCA

The charge category was reviewed for the 47 cases in which preventive detention was denied and there was new criminal activity (NCA). Over half of the NCA events (51%) were fourth degree level felony case types. Only one of the NCA events was classified as a 1st degree felony. This chart reflects the highest charge category for the 47 cases in which preventive detention was denied in FY23.

