

# New Mexico Judiciary

Annual Statistical Report on  
DWI Court Dispositions - 2022



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## **Introduction**

The Administrative Office of the Courts (AOC) is pleased to present the 2022 annual statistical report on dispositions of drunken driving cases in New Mexico's district and magistrate courts and the Bernalillo County Metropolitan Court. The report covers calendar years 1997 through 2022, and tracks how the state courts resolve cases involving charges of driving under the influence of intoxicating liquor or drugs, often referred to as driving while intoxicated or DWI.

## **Calendar Year 2022 Statistical Summary**

State courts in New Mexico adjudicated 8,865 felony and misdemeanor DWI cases in calendar year 2022, and 60.6 percent of those cases statewide resulted in convictions. District courts disposed of 1,028 DWI cases, magistrate courts disposed of 5,226 DWI cases and the Metropolitan Court disposed of 2,611 DWI cases. Overall, 38 percent of the DWI cases adjudicated statewide were dismissed, 1.2 percent resulted in an acquittal and other dispositions occurred in about 0.3 percent of the cases. The reasons for dismissals vary widely. Charges may be dropped, for example, because the arresting law enforcement officer fails to appear in court or evidence has been ruled inadmissible at trial. If a defendant completes terms of probation in compliance with a deferred sentence, a judge may dismiss the charges and the sentence. If a DWI case is dismissed and then reopened or refiled in the same year against the defendant, the initial dismissal is not reflected as a disposition in this report. The disposition will occur in the year of the final adjudication of the case.

## **Reporting of DWI Bind Overs and Transferred Cases**

The case totals in this report for magistrate courts and the Metropolitan Court do not include DWI cases that are eventually transferred to district courts for adjudication. These cases are part of the total dispositions in district courts. Some cases, often called "bind overs," are transferred when a magistrate or metropolitan court judge rules there is probable cause to believe that a defendant has committed an offense. In other instances, a prosecutor may transfer a case to a district court by filing a criminal information or through an indictment. Historically, about 7 to 14 percent of the felony DWI cases initially filed in magistrate courts since 1997 were transferred to district court for trial.

## **Methodology**

Total convictions in this report represent the percentage of case dispositions in the calendar year by state courts that result in a conviction on a drunken driving charge. The case dispositions may involve DWI charges that were filed in a previous year.

Convictions in this report include plea bargains in which a defendant pleads guilty or no contest to a drunken driving charge – whether lesser or greater than the original arresting offense and even if other charges are dismissed. When all DWI charges are dismissed as part of a plea bargain, the disposition is considered a dismissal regardless of whether the defendant is convicted of a non-DWI offense stemming from the same arrest.

**DWI Cases Disposed For Calendar Year 2022**  
**District Courts By Location**

County	Total Cases	Disposition by Category				Dismissals by Category			
		Total Convictions	Total Acquittals	Other Dispositions	Total Dismissals	Dismissed by Prosecutor	Dismissed By Court	Dismissed Six Month Rule	Other Dismissals
BERNALILLO	110	67.3%	2.7%	3.6%	26.4%	20.0%	1.8%	0.0%	4.6%
CATRON	-	-	-	-	-	-	-	-	-
CHAVES	77	72.7%	1.3%	0.0%	26.0%	20.8%	1.3%	0.0%	3.9%
CIBOLA	27	55.6%	0.0%	0.0%	44.4%	37.0%	3.7%	3.7%	0.0%
COLFAX	16	56.3%	6.3%	0.0%	37.5%	31.3%	0.0%	6.3%	0.0%
CURRY	26	84.6%	0.0%	7.7%	7.7%	3.9%	3.9%	0.0%	0.0%
DE BACA	-	-	-	-	-	-	-	-	-
DONA ANA	85	44.7%	0.0%	4.7%	50.6%	42.4%	3.5%	0.0%	4.7%
EDDY	22	63.6%	0.0%	0.0%	36.4%	27.3%	4.6%	0.0%	4.6%
GRANT	7	0.0%	0.0%	14.3%	85.7%	71.4%	14.3%	0.0%	0.0%
GUADALUPE	6	33.3%	0.0%	0.0%	66.7%	66.7%	0.0%	0.0%	0.0%
HARDING	-	-	-	-	-	-	-	-	-
HIDALGO	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
LEA	40	57.5%	0.0%	5.0%	37.5%	35.0%	2.5%	0.0%	0.0%
LINCOLN	40	80.0%	0.0%	2.5%	17.5%	15.0%	2.5%	0.0%	0.0%
LOS ALAMOS	2	0.0%	0.0%	0.0%	100.0%	50.0%	0.0%	0.0%	50.0%
LUNA	23	78.3%	0.0%	0.0%	21.7%	21.7%	0.0%	0.0%	0.0%
MCKINLEY	46	67.4%	4.4%	2.2%	26.1%	15.2%	8.7%	0.0%	2.2%
MORA	7	71.4%	0.0%	0.0%	28.6%	14.3%	0.0%	0.0%	14.3%
OTERO	37	86.5%	0.0%	0.0%	13.5%	2.7%	5.4%	2.7%	2.7%
QUAY	6	83.3%	0.0%	0.0%	16.7%	16.7%	0.0%	0.0%	0.0%
RIO ARRIBA	43	48.8%	2.3%	0.0%	48.8%	41.9%	0.0%	4.7%	2.3%
ROOSEVELT	5	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
SAN JUAN	159	90.6%	0.6%	0.0%	8.8%	7.6%	0.6%	0.0%	0.6%
SAN MIGUEL	27	63.0%	0.0%	0.0%	37.0%	25.9%	0.0%	0.0%	11.1%
SANDOVAL	49	73.5%	0.0%	4.1%	22.5%	18.4%	2.0%	0.0%	2.0%
SANTA FE	95	74.7%	0.0%	2.1%	23.2%	17.9%	0.0%	1.1%	4.2%
SIERRA	3	66.7%	0.0%	0.0%	33.3%	33.3%	0.0%	0.0%	0.0%
SOCORRO	3	66.7%	0.0%	0.0%	33.3%	33.3%	0.0%	0.0%	0.0%
TAOS	34	73.5%	0.0%	0.0%	26.5%	20.6%	2.9%	0.0%	2.9%
TORRANCE	2	50.0%	0.0%	0.0%	50.0%	50.0%	0.0%	0.0%	0.0%
UNION	2	50.0%	0.0%	0.0%	50.0%	50.0%	0.0%	0.0%	0.0%
VALENCIA	28	46.4%	0.0%	7.1%	46.4%	42.9%	3.6%	0.0%	0.0%
Statewide	1,028	69.6%	0.9%	2.0%	27.5%	22.1%	2.1%	0.6%	2.7%

**DWI Cases Disposed For Calendar Year 2022**  
**Magistrate Courts By Location**

County	Total Cases	Disposition by Category				Dismissals by Category			
		Total Convictions	Total Acquittals	Other Dispositions	Total Dismissals	Dismissed by Prosecutor	Dismissed By Court	Dismissed Six Month Rule	Other Dismissals
CATRON	4	75.0%	0.0%	0.0%	25.0%	25.0%	0.0%	0.0%	0.0%
CHAVES	320	66.6%	2.2%	0.0%	31.3%	29.4%	1.3%	0.0%	0.6%
CIBOLA	126	76.2%	0.8%	0.0%	23.0%	20.6%	0.8%	1.6%	0.0%
COLFAX	46	80.4%	4.4%	0.0%	15.2%	10.9%	0.0%	0.0%	4.4%
CURRY	99	72.7%	5.1%	0.0%	22.2%	17.2%	2.0%	0.0%	3.0%
DE BACA	2	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
DONA ANA	738	39.2%	1.0%	0.4%	59.5%	38.1%	18.8%	1.5%	1.1%
EDDY	201	51.7%	0.5%	0.0%	47.8%	42.3%	1.0%	4.0%	0.5%
GRANT	146	82.9%	0.7%	0.0%	16.4%	13.0%	2.7%	0.0%	0.7%
GUADALUPE	37	83.8%	0.0%	0.0%	16.2%	16.2%	0.0%	0.0%	0.0%
HARDING	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
HIDALGO	25	76.0%	4.0%	0.0%	20.0%	12.0%	0.0%	0.0%	8.0%
LEA	144	59.0%	1.4%	0.0%	39.6%	38.2%	0.7%	0.7%	0.0%
LINCOLN	90	87.8%	1.1%	0.0%	11.1%	10.0%	0.0%	0.0%	1.1%
LOS ALAMOS	11	72.7%	0.0%	0.0%	27.3%	27.3%	0.0%	0.0%	0.0%
LUNA	71	84.5%	2.8%	0.0%	12.7%	9.9%	1.4%	0.0%	1.4%
MCKINLEY	477	36.1%	4.2%	0.2%	59.5%	46.3%	5.5%	4.0%	3.8%
MORA	24	54.2%	4.2%	0.0%	41.7%	41.7%	0.0%	0.0%	0.0%
OTERO	96	63.5%	2.1%	0.0%	34.4%	28.1%	4.2%	0.0%	2.1%
QUAY	26	76.9%	3.9%	0.0%	19.2%	11.5%	0.0%	0.0%	7.7%
RIO ARRIBA	116	65.5%	0.0%	0.0%	34.5%	31.0%	1.7%	0.0%	1.7%
ROOSEVELT	55	92.7%	0.0%	0.0%	7.3%	7.3%	0.0%	0.0%	0.0%
SAN JUAN	667	79.6%	0.5%	0.0%	19.9%	16.5%	0.6%	0.3%	2.6%
SAN MIGUEL	125	74.4%	1.6%	0.0%	24.0%	16.8%	2.4%	0.0%	4.8%
SANDOVAL	632	49.2%	0.2%	0.2%	50.5%	14.2%	33.2%	0.8%	2.2%
SANTA FE	311	46.6%	0.3%	0.0%	53.1%	52.1%	0.3%	0.3%	0.3%
SIERRA	65	55.4%	1.5%	0.0%	43.1%	36.9%	6.2%	0.0%	0.0%
SOCORRO	84	58.3%	0.0%	0.0%	41.7%	29.8%	8.3%	0.0%	3.6%
TAOS	101	68.3%	5.0%	0.0%	26.7%	13.9%	6.9%	2.0%	4.0%
TORRANCE	39	51.3%	0.0%	0.0%	48.7%	38.5%	5.1%	2.6%	2.6%
UNION	4	75.0%	0.0%	0.0%	25.0%	25.0%	0.0%	0.0%	0.0%
VALENCIA	343	49.3%	1.2%	0.0%	49.6%	38.8%	10.2%	0.6%	0.0%
Statewide	5,226	58.2%	1.4%	0.1%	40.4%	28.8%	8.8%	1.0%	1.7%

**DWI Cases Disposed For Calendar Years 1997 Through 2022  
District Courts By Year**

Year	Total Cases	Disposition by Category				Dismissals by Category			
		Total Convictions	Total Acquittals	Other Dispositions	Total Dismissals	Dismissed by Prosecutor	Dismissed By Court	Dismissed Six Month Rule	Other Dismissals
1997	1,224	84.6%	0.4%	3.8%	11.2%	6.0%	0.0%	0.0%	5.1%
1998	1,460	82.2%	0.3%	2.7%	14.9%	8.9%	0.0%	0.0%	6.0%
1999	1,705	83.6%	0.5%	2.8%	13.1%	8.3%	0.0%	0.2%	4.6%
2000	1,753	78.4%	0.5%	1.1%	20.0%	9.1%	0.1%	0.3%	10.4%
2001	1,687	84.7%	0.4%	0.7%	14.3%	7.3%	0.0%	0.2%	6.8%
2002	1,936	84.4%	0.5%	2.1%	13.0%	5.7%	0.0%	0.3%	6.9%
2003	1,960	85.2%	0.6%	0.9%	13.4%	10.3%	0.6%	0.3%	2.2%
2004	2,218	86.4%	0.5%	0.8%	12.4%	10.3%	1.2%	0.5%	0.3%
2005	2,326	83.4%	0.9%	0.7%	15.0%	11.7%	2.5%	0.5%	0.4%
2006	2,416	82.3%	1.2%	1.0%	15.5%	12.9%	1.8%	0.5%	0.3%
2007	2,725	83.5%	1.1%	0.4%	15.0%	12.5%	1.8%	0.4%	0.3%
2008	3,111	82.3%	1.0%	0.2%	16.4%	14.2%	1.6%	0.5%	0.2%
2009	2,826	82.5%	0.9%	0.5%	16.1%	13.0%	2.3%	0.5%	0.2%
2010	2,276	80.6%	1.4%	0.0%	17.9%	14.4%	2.6%	0.6%	0.3%
2011	2,303	82.2%	1.5%	0.2%	16.2%	13.0%	2.4%	0.6%	0.2%
2012	1,955	83.0%	1.2%	0.2%	15.5%	12.2%	2.9%	0.5%	0.1%
2013	1,939	81.2%	0.8%	0.7%	18.0%	13.1%	3.4%	0.9%	0.0%
2014	1,891	78.2%	1.4%	0.8%	20.4%	14.5%	3.2%	0.9%	1.0%
2015	1,761	75.8%	1.3%	0.7%	22.9%	15.3%	2.5%	2.3%	2.0%
2016	1,665	74.4%	1.3%	0.7%	23.6%	18.3%	1.2%	1.0%	3.1%
2017	1,579	74.1%	1.7%	0.6%	23.6%	17.4%	1.0%	1.0%	4.1%
2018	1,566	69.5%	2.1%	1.3%	27.1%	20.2%	2.9%	1.0%	3.1%
2019	1,624	70.2%	1.3%	1.4%	27.2%	20.9%	2.2%	0.6%	3.5%
2020	1,018	69.9%	0.7%	2.1%	27.1%	18.1%	3.6%	0.7%	4.7%
2021	1,144	65.7%	1.1%	1.1%	32.1%	25.0%	2.5%	0.5%	4.1%
2022	1,028	69.6%	0.9%	2.0%	27.5%	22.1%	2.1%	0.6%	2.7%

**DWI Cases Disposed For Calendar Years 1997 Through 2022  
Magistrate Courts By Year**

Year	Total Cases	Disposition by Category				Dismissals by Category			
		Total Convictions	Total Acquittals	Other Dispositions	Total Dismissals	Dismissed by Prosecutor	Dismissed By Court	Dismissed Six Month Rule	Other Dismissals
1997	7,458	80.1%	0.8%	0.6%	18.5%	5.8%	0.0%	0.8%	11.9%
1998	7,161	77.5%	0.6%	0.8%	21.2%	6.1%	0.1%	0.6%	14.4%
1999	7,412	77.0%	0.7%	1.0%	21.3%	7.6%	0.1%	1.0%	12.6%
2000	7,415	76.5%	0.5%	0.6%	22.5%	8.1%	0.1%	0.8%	13.4%
2001	7,119	76.1%	0.6%	0.8%	22.5%	9.1%	0.2%	0.9%	12.3%
2002	6,713	77.7%	0.8%	1.1%	20.3%	8.5%	0.1%	0.9%	10.8%
2003	7,529	76.8%	0.6%	1.3%	21.3%	10.0%	0.2%	0.8%	10.3%
2004	8,181	75.5%	0.9%	1.0%	22.6%	12.9%	0.4%	1.3%	7.9%
2005	7,633	72.4%	0.7%	0.0%	26.8%	22.6%	1.5%	0.9%	1.8%
2006	7,571	69.6%	0.8%	0.1%	29.6%	26.0%	1.2%	0.8%	1.6%
2007	7,914	71.3%	0.9%	0.0%	27.7%	23.7%	1.8%	1.0%	1.1%
2008	8,034	70.7%	0.7%	0.1%	28.5%	24.1%	1.9%	1.0%	1.6%
2009	9,032	69.3%	1.2%	0.1%	29.4%	25.1%	1.8%	1.3%	1.2%
2010	8,324	68.7%	1.3%	0.1%	29.9%	25.0%	2.5%	1.1%	1.4%
2011	7,532	67.2%	1.4%	0.1%	31.3%	27.6%	2.3%	0.8%	0.6%
2012	6,656	72.6%	1.6%	0.1%	25.8%	18.4%	3.4%	0.7%	0.2%
2013	6,598	68.9%	1.5%	0.0%	29.7%	20.3%	4.1%	1.7%	3.5%
2014	6,524	70.1%	1.4%	0.0%	28.6%	20.2%	4.0%	1.3%	3.1%
2015	6,699	67.5%	1.7%	0.0%	30.8%	21.7%	4.7%	1.1%	3.3%
2016	6,275	68.0%	1.9%	0.1%	30.1%	25.7%	1.9%	1.2%	1.3%
2017	5,889	66.0%	1.7%	0.1%	32.2%	28.0%	1.8%	0.9%	1.4%
2018	5,872	62.9%	1.7%	0.1%	35.3%	29.7%	3.0%	1.1%	1.5%
2019	5,587	61.4%	1.6%	0.1%	36.9%	28.6%	5.9%	0.7%	1.6%
2020	4,814	60.4%	1.6%	0.1%	38.0%	29.9%	5.9%	0.5%	1.7%
2021	5,203	58.2%	1.4%	0.1%	40.4%	29.5%	8.7%	0.7%	1.4%
2022	5,226	58.2%	1.4%	0.1%	40.4%	28.8%	8.8%	1.0%	1.7%



**DWI Cases Disposed For Calendar Years 1997 Through 2022  
Metro Court By Year**

Year	Total Cases	Disposition by Category				Dismissals by Category			
		Total Convictions	Total Acquittals	Other Dispositions	Total Dismissals	Dismissed by Prosecutor	Dismissed By Court	Dismissed Six Month Rule	Other Dismissals
1997	2,869	58.3%	1.9%	0.1%	39.7%	28.5%	5.0%	3.1%	3.1%
1998	5,119	67.0%	2.0%	0.0%	31.0%	21.2%	5.2%	2.1%	2.6%
1999	4,980	64.4%	2.6%	0.1%	33.0%	20.5%	5.0%	4.1%	3.4%
2000	4,899	69.5%	1.6%	0.0%	28.9%	19.0%	3.9%	3.7%	2.3%
2001	6,073	70.6%	1.4%	0.1%	28.0%	17.6%	3.9%	4.0%	2.5%
2002	6,144	66.1%	1.6%	0.0%	32.2%	20.0%	5.0%	4.6%	2.7%
2003	6,706	62.6%	1.8%	0.0%	35.7%	21.8%	5.9%	5.5%	2.5%
2004	6,407	60.0%	2.0%	0.0%	38.0%	23.8%	5.5%	5.3%	3.3%
2005	6,536	64.2%	2.0%	0.0%	33.7%	24.1%	4.5%	2.8%	2.3%
2006	5,940	69.1%	2.0%	0.0%	28.9%	26.2%	1.0%	1.3%	0.4%
2007	6,851	71.8%	1.3%	0.0%	26.8%	24.0%	0.7%	1.4%	0.7%
2008	7,135	69.4%	0.7%	0.0%	29.9%	27.5%	0.7%	0.8%	0.9%
2009	6,648	66.6%	0.7%	0.0%	32.7%	29.7%	0.5%	0.7%	1.8%
2010	5,497	65.4%	2.0%	0.0%	32.6%	29.7%	0.9%	0.3%	1.7%
2011	4,650	65.5%	1.6%	0.0%	32.9%	29.9%	1.5%	0.4%	1.1%
2012	4,732	67.9%	2.4%	0.0%	25.9%	23.7%	1.6%	0.3%	0.3%
2013	4,534	57.9%	3.5%	0.3%	38.4%	33.4%	1.0%	0.6%	3.4%
2014	3,853	47.5%	2.4%	0.2%	49.9%	45.5%	1.6%	1.1%	1.7%
2015	3,171	46.7%	2.7%	0.1%	50.7%	46.1%	1.7%	1.6%	1.3%
2016	2,678	44.9%	2.4%	0.3%	52.4%	43.1%	7.4%	0.3%	1.6%
2017	2,628	49.1%	2.1%	0.0%	48.9%	41.7%	5.6%	0.4%	1.1%
2018	2,821	56.8%	1.4%	0.0%	41.8%	35.1%	5.1%	0.5%	1.1%
2019	3,469	55.0%	1.9%	0.6%	42.5%	32.8%	8.1%	0.5%	1.1%
2020	3,676	55.3%	1.3%	0.0%	43.4%	21.9%	3.8%	0.2%	17.4%*
2021	2,915	59.4%	1.3%	2.3%	37.0%	22.2%	3.8%	0.3%	10.8%*
2022	2,611	62.0%	0.9%	0.0%	37.2%	24.2%	2.2%	0.3%	10.4%*

\*Includes dismissals as part of the court's periodic review and cleanup of aged cases, including final dispositions of cases in which the defendant is now deceased.

## GLOSSARY

**Disposition:** The court's final determination of a DWI case, such as conviction, acquittal or dismissal.

### **Dispositions by Category**

Total Cases: Number of case dispositions. This is **not** the number of DWI cases **filed** in a year.

Total Convictions: % of disposed cases resulting in a conviction.

Total Acquittals: % of disposed cases resulting in acquittal.

Other dispositions: Cases not dismissed but which do not fit into column heading categories.

Total Dismissals: % of disposed cases that were dismissed.

### **Dismissals by Category**

Dismissed by Prosecutor: % of disposed cases dismissed based on a prosecutor's motion or as a sanction against the state. Examples include cases in which the prosecutor files a nolle prosequi, a dismissal as part of a plea agreement, when the district attorney or officers fail to appear in court and when the state is sanctioned for failing to complete discovery.

Dismissed by Court: % of disposed cases dismissed by a judge, such as rulings on motions by the defense. Examples include cases in which evidence is suppressed and the state was unable to proceed to trial, a conviction dismissed on appeal, a mistrial and when a court determines there is no probable cause for the charge.

Dismissed 6 Month Rule: % of disposed cases dismissed under rules of criminal procedure requiring a defendant's trial to start within six months. For the district courts, Rule 5-604 NMRA; for the magistrate courts, Rule 6-506; and for the Metropolitan Court, Rule 7-506.

Other Dismissals: % of disposed cases dismissed for reasons other than in the category headings. Examples include a deferred sentence and dismissals because a defendant died or was found incompetent to stand trial.

The sum of percentages in Dismissals by Category represents Total Dismissals, but they may differ slightly because of the rounding of decimals. Percentages in the Disposition by Category columns may not add up to 100 due to rounding.

**For More Information Contact:**

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