

# Seventh Annual Statistical Report on DWI Court Dispositions In New Mexico

A report to the Legislative Finance Committee on New  
Mexico Driving While Intoxicated (DWI) court  
dispositions, 1997 through 2011



**Supreme Court of New Mexico  
Administrative Office of the Courts**

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# **A Statistical Report on DWI in New Mexico, 1997 - 2011**

Prepared by the Administrative Office of the Courts

## **Introduction**

The Administrative Office of the Courts (AOC) is pleased to present the Seventh Annual Statistical Report on DWI Court Dispositions in New Mexico. This report contains statistical information on DWI cases adjudicated from 1997 through 2011, in New Mexico magistrate courts, district courts, municipal courts, and the Bernalillo County Metropolitan Court (BCMC).

## **Calendar Year 2011 Statistical Summary**

For calendar year 2011, 16,204 DWI cases were adjudicated by state and municipal courts in New Mexico. District courts throughout the state disposed of 2,303 felony DWI cases, magistrate courts disposed of 7,532 misdemeanor DWI cases, and the BCMC disposed of 4,650 misdemeanor DWI cases. In addition, 1,719 DWI cases were charged under municipal ordinances and disposed in municipal courts.

During 2010, conviction rates for magistrate courts dropped from 68.7 percent to 67.2 percent. Conviction rates for district courts increased to 82.2 from 80.6 percent, and the conviction rate for the BCMC increased to 66.5 percent from 65.4 percent. The conviction rate dropped for municipal courts from 87.6 percent to 84.4 percent.

## **Misdemeanor Dismissals and Felony Refilings**

A comparison of 2011 magistrate DWI case dismissals and district court felony DWI case initiations shows that statewide, 8.5 percent of misdemeanor court dismissals were later refiled by prosecutors as felonies in district courts. While these cases were technically "dismissed" in a magistrate court or the BCMC, the defendants associated with these dismissed cases were presumably re-charged by prosecutors as felons rather than misdemeanants, and the overall dismissal rates for these re-filed cases are ultimately accounted for in district court disposition rates. As such, magistrate and BCMC court disposition tables on pages 3 and 4, should be compared to the prosecutor refile table on page 7, for a more complete and accurate picture of the overall magistrate and BCMC DWI dismissal rates.

## **How DWI Convictions are Counted**

As in most states, the New Mexico DWI court process is complex. At present, district courts, magistrate courts, municipal courts and the BCMC all hear DWI cases. Preliminary hearings for felony DWI cases are first heard in a magistrate court in all counties except Bernalillo County. During a preliminary hearing, when a magistrate

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**How DWI  
Convictions are  
Counted  
(continued)**

judge rules that probable cause exists for a particular DWI case, that case will be transferred to a district court for a felony trial.

These transfers, called “bind-overs,” are not dismissals, but are simply an expedient means of transferring the most serious DWI cases from a limited jurisdiction court to a general jurisdiction felony court. Since 1997, the bind-over rate of all magistrate court DWI cases has fluctuated between 7.5 to 14 percent. While felony bind-over statistics are not included in this report, all cases bound over to district courts are eventually counted as district court DWI adjudications in this report.

Even when all DWI charges against a defendant are dismissed, field research has shown that many dismissed DWI cases contain convictions on underlying non-DWI traffic charges. These ancillary traffic charges typically occur when a driver is stopped for a traffic infraction and the arresting officer smells alcohol, or observes that the driver appears intoxicated and then charges the driver with DWI. If the DWI charge is later dismissed in a court, the judge may convict the defendant on the associated traffic charges. For purposes of this report, convictions for such underlying traffic offenses *are not* counted as DWI convictions.

**Report Changes  
for 2011**

For calendar year 2011, the courts, statewide, eliminated the "failure to appear" dismissal category, in preference for distributing these dismissals among the court and prosecutor dismissal categories. These categories include but are not limited to instances when a complainant fails to appear or a witness is unavailable. This change does not affect how DWI dismissals are counted in the report.

## DWI Cases Disposed For Calendar Years 1997 Through 2011

### District Courts By Year

	Total Cases	Total Convictions	Total Acquittals	Conditionally Discharged	Other Dispositions	Total Dismissed	Dismissed by Prosecutor	Dismissed by Court	Dismissed 6 Month Rule	Other Dismissals
1997	1224	84.6%	0.4%	0.0%	3.8%	11.2%	6.0%	0.0%	0.0%	5.1%
1998	1460	82.2%	0.3%	0.0%	2.7%	14.9%	8.9%	0.0%	0.0%	6.0%
1999	1705	83.6%	0.5%	0.0%	2.8%	13.1%	8.3%	0.0%	0.2%	4.6%
2000	1753	78.4%	0.5%	0.1%	1.1%	20.0%	9.1%	0.1%	0.3%	10.4%
2001	1687	84.7%	0.4%	0.1%	0.5%	14.3%	7.3%	0.0%	0.2%	6.8%
2002	1936	84.4%	0.5%	0.2%	2.0%	13.0%	5.7%	0.0%	0.3%	6.9%
2003	1960	85.2%	0.6%	0.2%	0.7%	13.4%	10.3%	0.6%	0.3%	2.2%
2004	2218	86.4%	0.5%	0.7%	0.0%	12.4%	10.3%	1.2%	0.5%	0.3%
2005	2326	83.4%	0.9%	0.7%	0.0%	15.0%	11.7%	2.5%	0.5%	0.4%
2006	2416	82.3%	1.2%	1.0%	0.0%	15.5%	12.9%	1.8%	0.5%	0.3%
2007	2725	83.5%	1.1%	0.4%	0.0%	15.0%	12.5%	1.8%	0.4%	0.3%
2008	3111	82.3%	1.0%	0.0%	0.2%	16.4%	14.2%	1.6%	0.5%	0.2%
2009	2826	82.5%	0.9%	0.5%	0.0%	16.1%	13.0%	2.3%	0.5%	0.2%
2010	2276	80.6%	1.4%	0.0%	0.0%	17.9%	14.4%	2.6%	0.6%	0.3%
2011	2303	82.2%	1.5%	0.2%	0.0%	16.2%	13.0%	2.4%	0.6%	0.2%

### Magistrate Courts By Year

	Total Cases	Total Convictions	Total Acquittals	Conditionally Discharged	Other Dispositions	Total Dismissed	Dismissed by Prosecutor	Dismissed by Court	Dismissed 6 Month Rule	Other Dismissals
1997	7458	80.1%	0.8%	0.2%	0.5%	18.5%	5.8%	0.0%	0.8%	11.9%
1998	7161	77.5%	0.6%	0.1%	0.6%	21.2%	6.1%	0.1%	0.6%	14.4%
1999	7412	77.0%	0.7%	0.1%	0.9%	21.3%	7.6%	0.1%	1.0%	12.6%
2000	7415	76.5%	0.5%	0.3%	0.3%	22.5%	8.1%	0.1%	0.8%	13.4%
2001	7119	76.1%	0.6%	0.2%	0.6%	22.5%	9.1%	0.2%	0.9%	12.3%
2002	6713	77.7%	0.8%	0.2%	0.9%	20.3%	8.5%	0.1%	0.9%	10.8%
2003	7529	76.8%	0.6%	0.2%	1.1%	21.3%	10.0%	0.2%	0.8%	10.3%
2004	8181	75.5%	0.9%	0.1%	0.9%	22.6%	12.9%	0.4%	1.3%	7.9%
2005	7633	72.4%	0.7%	0.0%	0.0%	26.8%	22.6%	1.5%	0.9%	1.8%
2006	7571	69.6%	0.8%	0.0%	0.1%	29.6%	26.0%	1.2%	0.8%	1.6%
2007	7914	71.3%	0.9%	0.0%	0.0%	27.7%	23.7%	1.8%	1.0%	1.1%
2008	8034	70.7%	0.7%	0.0%	0.1%	28.5%	24.1%	1.9%	1.0%	1.6%
2009	9032	69.3%	1.2%	0.0%	0.1%	29.4%	25.1%	1.8%	1.3%	1.2%
2010	8324	68.7%	1.3%	0.0%	0.1%	29.9%	25.0%	2.5%	1.1%	1.4%
2011	7532	67.2%	1.4%	0.0%	0.1%	31.3%	27.6%	2.3%	0.8%	0.6%

<b>Total Cases</b>	Cases disposed in a year
<b>Total Convictions</b>	Conviction rate for cases disposed
<b>Total Acquittals</b>	Acquittal rate for cases disposed
<b>Conditionally Discharged</b>	Conditional discharge rate for cases disposed
<b>Other Dispositions</b>	Cases not dismissed but which do not fit into column heading categories
<b>Total Dismissed</b>	Dismissal rate for all cases disposed
<b>Dismissed by Prosecutor</b>	Cases dismissed by a court subsequent to motion for dismissal by a prosecutor ( for net dismissal rate see page 7 )
<b>Dismissed By Court</b>	Cases dismissed by a judge
<b>Dismissed 6 Month Rule</b>	Cases dismissed under the six month rule
<b>Other Dismissal</b>	Cases dismissed for other reasons

## DWI Cases Disposed For Calendar Years 1997 Through 2011

### Bernalillo Metropolitan Court By Year

	Total Cases	Total Convictions	Total Acquittals	Conditionally Discharged	Other Dispositions	Total Dismissed	Dismissed by Prosecutor	Dismissed by Court	Dismissed 6 Month Rule	Other Dismissals
1997	2869	58.3%	1.9%	0.0%	0.1%	39.7%	28.5%	5.0%	3.1%	3.1%
1998	5119	67.0%	2.0%	0.0%	0.0%	31.0%	21.2%	5.2%	2.1%	2.6%
1999	4980	64.4%	2.6%	0.0%	0.1%	33.0%	20.5%	5.0%	4.1%	3.4%
2000	4899	69.5%	1.6%	0.0%	0.0%	28.9%	19.0%	3.9%	3.7%	2.3%
2001	6073	70.6%	1.4%	0.0%	0.1%	28.0%	17.6%	3.9%	4.0%	2.5%
2002	6144	66.1%	1.6%	0.0%	0.0%	32.2%	20.0%	5.0%	4.6%	2.7%
2003	6706	62.6%	1.8%	0.0%	0.0%	35.7%	21.8%	5.9%	5.5%	2.5%
2004	6407	60.0%	2.0%	0.0%	0.0%	38.0%	23.8%	5.5%	5.3%	3.3%
2005	6536	64.2%	2.0%	0.0%	0.0%	33.7%	24.1%	4.5%	2.8%	2.3%
2006	5940	69.1%	2.0%	0.0%	0.0%	28.9%	26.2%	1.0%	1.3%	0.4%
2007	6851	71.8%	1.3%	0.0%	0.0%	26.8%	24.0%	0.7%	1.4%	0.7%
2008	7135	69.4%	0.7%	0.0%	0.0%	29.9%	27.5%	0.7%	0.8%	0.9%
2009	6648	66.6%	0.7%	0.0%	0.0%	32.7%	29.7%	0.5%	0.7%	1.8%
2010	5497	65.4%	2.0%	0.0%	0.0%	32.6%	29.7%	0.9%	0.3%	1.7%
2011	4650	65.5%	1.6%	0.0%	0.0%	32.9%	29.9%	1.5%	0.4%	1.1%

### Municipal Courts By Year

	Total Cases	Total Convictions	Total Acquittals	Conditionally Discharged	Other Dispositions	Total Dismissed	Dismissed by Prosecutor	Dismissed by Court	Dismissed 6 Month Rule	Other Dismissals
1997	2315	98.1%	0.0%	0.0%	1.8%	0.0%	0.0%	0.0%	0.0%	0.0%
1998	2435	98.4%	0.0%	0.0%	1.6%	0.0%	0.0%	0.0%	0.0%	0.0%
1999	2284	98.1%	0.0%	0.0%	1.3%	0.6%	0.3%	0.0%	0.0%	0.3%
2000	2472	96.9%	0.0%	0.0%	1.7%	1.3%	0.3%	0.0%	0.0%	1.0%
2001	2332	98.2%	0.0%	0.0%	1.8%	0.0%	0.0%	0.0%	0.0%	0.0%
2002	1725	97.8%	0.2%	0.0%	1.9%	0.1%	0.0%	0.1%	0.0%	0.0%
2003	1761	98.5%	0.1%	0.0%	1.5%	0.0%	0.0%	0.0%	0.0%	0.0%
2004	2233	97.3%	0.6%	0.0%	2.0%	0.1%	0.0%	0.0%	0.0%	0.0%
2005	2137	95.9%	0.8%	0.0%	1.8%	1.5%	1.3%	0.1%	0.1%	0.0%
2006	2224	84.7%	0.9%	0.0%	3.6%	10.8%	7.1%	1.9%	0.4%	1.4%
2007	2298	88.3%	1.3%	0.0%	0.0%	10.4%	5.0%	3.5%	0.2%	1.7%
2008	1923	87.5%	0.9%	0.0%	0.6%	11.0%	5.5%	1.8%	0.8%	2.9%
2009	1833	87.0%	1.7%	0.0%	0.2%	11.0%	6.1%	1.4%	0.6%	2.9%
2010	1730	87.6%	1.2%	0.0%	1.7%	9.5%	5.8%	1.0%	0.5%	2.3%
2011	1719	84.4%	1.0%	0.0%	0.0%	14.5%	8.6%	2.3%	0.5%	3.2%

- Total Cases** Cases disposed in a year
- Total Convictions** Conviction rate for cases disposed
- Total Acquittals** Acquittal rate for cases disposed
- Conditionally Discharged** Conditional discharge rate for cases disposed
- Other Dispositions** Cases not dismissed but which do not fit into column heading categories
- Total Dismissed** Dismissal rate for all cases disposed
- Dismissed by Prosecutor** Cases dismissed by a court subsequent to motion for dismissal by a prosecutor ( for net dismissal rate see page 7 )
- Dismissed By Court** Cases dismissed by a judge
- Dismissed 6 Month Rule** Cases dismissed under the six month rule
- Other Dismissal** Cases dismissed for other reasons

## DWI Cases Disposed For Calendar Year 2011

### District Courts By Location

County	Total Cases	Total Convictions	Total Acquittals	Conditionally Discharged	Other Dispositions	Total Dismissed	Dismissed by Prosecutor	Dismissed by Court	Dismissed 6 Month Rule	Other Dismissals
BERNALILLO	555	89.0%	0.2%	0.0%	0.0%	10.8%	9.5%	1.3%	0.0%	0.0%
CATRON	4	75.0%	0.0%	0.0%	0.0%	25.0%	25.0%	0.0%	0.0%	0.0%
CHAVES	109	66.1%	4.6%	0.0%	0.0%	29.4%	27.5%	1.8%	0.0%	0.0%
CIBOLA	49	67.3%	2.0%	0.0%	0.0%	30.6%	20.4%	6.1%	4.1%	0.0%
COLFAX	22	86.4%	0.0%	4.5%	0.0%	9.1%	9.1%	0.0%	0.0%	0.0%
CURRY	148	77.0%	1.4%	0.7%	0.0%	20.9%	11.5%	9.5%	0.0%	0.0%
DE BACA	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
DONA ANA	277	78.7%	2.5%	0.0%	0.0%	18.8%	18.1%	0.7%	0.0%	0.0%
EDDY	50	94.0%	2.0%	0.0%	0.0%	4.0%	2.0%	2.0%	0.0%	0.0%
GRANT	21	81.0%	0.0%	0.0%	0.0%	19.0%	19.0%	0.0%	0.0%	0.0%
GUADALUPE	6	66.7%	0.0%	0.0%	0.0%	33.3%	33.3%	0.0%	0.0%	0.0%
HARDING	0									
HIDALGO	6	66.7%	0.0%	0.0%	0.0%	33.3%	16.7%	16.7%	0.0%	0.0%
LEA	46	82.6%	0.0%	0.0%	0.0%	17.4%	8.7%	6.5%	2.2%	0.0%
LINCOLN	30	73.3%	3.3%	0.0%	0.0%	23.3%	16.7%	3.3%	3.3%	0.0%
LOS ALAMOS	2	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
LUNA	7	57.1%	0.0%	0.0%	0.0%	42.9%	42.9%	0.0%	0.0%	0.0%
MCKINLEY	83	79.5%	0.0%	0.0%	0.0%	20.5%	13.3%	6.0%	0.0%	1.2%
MORA	5	60.0%	0.0%	0.0%	0.0%	40.0%	40.0%	0.0%	0.0%	0.0%
OTERO	50	80.0%	2.0%	0.0%	0.0%	18.0%	12.0%	2.0%	0.0%	4.0%
QUAY	8	75.0%	0.0%	0.0%	0.0%	25.0%	25.0%	0.0%	0.0%	0.0%
RIO ARRIBA	42	88.1%	0.0%	0.0%	0.0%	11.9%	7.1%	0.0%	4.8%	0.0%
ROOSEVELT	29	86.2%	6.9%	0.0%	0.0%	6.9%	6.9%	0.0%	0.0%	0.0%
SAN JUAN	362	87.6%	3.0%	0.0%	0.0%	9.4%	8.0%	0.6%	0.6%	0.3%
SAN MIGUEL	44	75.0%	0.0%	0.0%	0.0%	25.0%	25.0%	0.0%	0.0%	0.0%
SANDOVAL	78	83.3%	1.3%	0.0%	0.0%	15.4%	7.7%	6.4%	1.3%	0.0%
SANTA FE	154	76.0%	0.0%	0.0%	0.0%	24.0%	17.5%	3.9%	2.6%	0.0%
SIERRA	12	91.7%	0.0%	0.0%	0.0%	8.3%	8.3%	0.0%	0.0%	0.0%
SOCORRO	14	71.4%	0.0%	0.0%	0.0%	28.6%	28.6%	0.0%	0.0%	0.0%
TAOS	30	76.7%	0.0%	3.3%	0.0%	20.0%	20.0%	0.0%	0.0%	0.0%
TORRANCE	19	78.9%	5.3%	0.0%	0.0%	15.8%	15.8%	0.0%	0.0%	0.0%
UNION	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
VALENCIA	39	79.5%	0.0%	2.6%	0.0%	17.9%	10.3%	7.7%	0.0%	0.0%
<b>Total</b>	<b>2303</b>	<b>82.2%</b>	<b>1.5%</b>	<b>0.2%</b>	<b>0.0%</b>	<b>16.2%</b>	<b>13.0%</b>	<b>2.4%</b>	<b>0.6%</b>	<b>0.2%</b>

<b>Total Cases</b>	Cases disposed in a year
<b>Total Convictions</b>	Conviction rate for cases disposed
<b>Total Acquittals</b>	Acquittal rate for cases disposed
<b>Conditionally Discharged</b>	Conditional discharge rate for cases disposed
<b>Other Dispositions</b>	Cases not dismissed but which do not fit into column heading categories
<b>Total Dismissed</b>	Dismissal rate for all cases disposed
<b>Dismissed by Prosecutor</b>	Cases dismissed by a court subsequent to motion for dismissal by a prosecutor ( for net dismissal rate see page 7 )
<b>Dismissed By Court</b>	Cases dismissed by a judge
<b>Dismissed 6 Month Rule</b>	Cases dismissed under the six month rule
<b>Other Dismissal</b>	Cases dismissed for other reasons

## DWI Cases Disposed For Calendar Year 2011

### Magistrate Courts By Location

County	Total Cases	Total Convictions	Total Acquittals	Conditionally Discharged	Other Dispositions	Total Dismissed	Dismissed by Prosecutor	Dismissed by Court	Dismissed 6 Month Rule	Other Dismissals
CATRON	12	66.7%	0.0%	0.0%	0.0%	33.3%	33.3%	0.0%	0.0%	0.0%
CHAVES	341	65.4%	2.9%	0.0%	0.0%	31.7%	27.6%	3.5%	0.6%	0.0%
CIBOLA	205	61.5%	1.5%	0.0%	0.0%	37.1%	24.9%	10.2%	2.0%	0.0%
COLFAX	61	68.9%	0.0%	0.0%	0.0%	31.1%	26.2%	4.9%	0.0%	0.0%
CURRY	267	61.8%	1.9%	0.0%	0.0%	36.3%	34.8%	0.7%	0.4%	0.4%
DE BACA	7	85.7%	14.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
DONA ANA	1263	71.2%	0.6%	0.0%	0.0%	28.3%	27.2%	1.0%	0.1%	0.0%
EDDY	209	85.6%	3.8%	0.0%	0.0%	10.5%	8.1%	1.9%	0.5%	0.0%
GRANT	156	74.4%	0.6%	0.0%	0.0%	25.0%	23.1%	1.9%	0.0%	0.0%
GUADALUPE	44	54.5%	4.5%	0.0%	0.0%	40.9%	40.9%	0.0%	0.0%	0.0%
HARDING	3	66.7%	0.0%	0.0%	0.0%	33.3%	33.3%	0.0%	0.0%	0.0%
HIDALGO	49	69.4%	0.0%	0.0%	0.0%	30.6%	14.3%	16.3%	0.0%	0.0%
LEA	160	72.5%	1.9%	0.0%	0.0%	25.6%	23.1%	1.3%	0.0%	1.3%
LINCOLN	188	80.9%	0.5%	0.0%	0.0%	18.6%	16.0%	1.1%	0.5%	1.1%
LOS ALAMOS	40	85.0%	0.0%	0.0%	0.0%	15.0%	15.0%	0.0%	0.0%	0.0%
LUNA	113	80.5%	0.9%	0.0%	0.0%	18.6%	16.8%	0.9%	0.9%	0.0%
MCKINLEY	685	63.4%	1.0%	0.0%	0.0%	35.6%	29.9%	3.1%	2.0%	0.6%
MORA	29	48.3%	3.4%	0.0%	0.0%	48.3%	44.8%	3.4%	0.0%	0.0%
OTERO	158	88.6%	0.6%	0.0%	0.0%	10.8%	10.1%	0.6%	0.0%	0.0%
QUAY	57	64.9%	1.8%	0.0%	0.0%	33.3%	33.3%	0.0%	0.0%	0.0%
RIO ARRIBA	250	41.6%	2.4%	0.0%	0.0%	56.0%	51.2%	2.0%	0.8%	2.0%
ROOSEVELT	132	85.6%	2.3%	0.0%	1.5%	10.6%	9.1%	0.0%	0.8%	0.8%
SAN JUAN	818	81.2%	2.1%	0.0%	0.0%	16.7%	13.1%	3.1%	0.6%	0.0%
SAN MIGUEL	213	63.4%	1.4%	0.0%	0.0%	35.2%	33.8%	1.4%	0.0%	0.0%
SANDOVAL	276	53.3%	1.4%	0.0%	0.0%	45.3%	35.9%	4.3%	4.7%	0.4%
SANTA FE	835	53.1%	0.8%	0.0%	0.6%	45.5%	43.8%	0.7%	0.7%	0.2%
SIERRA	123	74.8%	0.8%	0.0%	0.0%	24.4%	23.6%	0.0%	0.8%	0.0%
SOCORRO	182	65.4%	1.6%	0.0%	0.0%	33.0%	29.1%	3.3%	0.0%	0.5%
TAOS	240	54.6%	0.4%	0.0%	0.0%	45.0%	37.9%	4.2%	2.9%	0.0%
TORRANCE	72	84.7%	1.4%	0.0%	0.0%	13.9%	8.3%	5.6%	0.0%	0.0%
UNION	13	76.9%	15.4%	0.0%	0.0%	7.7%	7.7%	0.0%	0.0%	0.0%
VALENCIA	331	61.3%	1.8%	0.0%	0.0%	36.9%	26.6%	2.4%	0.9%	6.9%
<b>Total</b>	<b>7532</b>	<b>67.2%</b>	<b>1.4%</b>	<b>0.0%</b>	<b>0.1%</b>	<b>31.3%</b>	<b>27.6%</b>	<b>2.3%</b>	<b>0.8%</b>	<b>0.6%</b>

<b>Total Cases</b>	Cases disposed in a year
<b>Total Convictions</b>	Conviction rate for cases disposed
<b>Total Acquittals</b>	Acquittal rate for cases disposed
<b>Conditionally Discharged</b>	Conditional discharge rate for cases disposed
<b>Other Dispositions</b>	Cases not dismissed but which do not fit into column heading categories
<b>Total Dismissed</b>	Dismissal rate for all cases disposed
<b>Dismissed by Prosecutor</b>	Cases dismissed by a court subsequent to motion for dismissal by a prosecutor ( for net dismissal rate see page 7 )
<b>Dismissed By Court</b>	Cases dismissed by a judge
<b>Dismissed 6 Month Rule</b>	Cases dismissed under the six month rule
<b>Other Dismissal</b>	Cases dismissed for other reasons

**Impact of Magistrate Court and Bernalillo Metropolitan  
Court DWI Cases Refiled in District Court on Dismissed  
by Prosecutor Rate for 2011**

County	Cases Dismissed by Prosecutor	Cases Refiled as Felony DWI By Prosecutor	Percentage of Prosecutor Dismissals Refiled as Felony DWI	Total Dismissal Rate Before Subtracting Refiled Cases	Net Dismissal Rate After Subtracting Refiled Cases
BERNALILLO	1391	100	7.2%	32.9%	30.7%
CATRON	4	0	0.0%	33.3%	33.3%
CHAVES	94	0	0.0%	31.7%	31.7%
CIBOLA	51	0	0.0%	37.1%	37.1%
COLFAX	16	0	0.0%	31.1%	31.1%
CURRY	93	44	47.3%	36.3%	19.9%
DE BACA	0	0	0.0%	0.0%	0.0%
DONA ANA	344	146	42.4%	28.3%	16.7%
EDDY	17	0	0.0%	10.5%	10.5%
GRANT	36	1	2.8%	25.0%	24.4%
GUADALUPE	18	0	0.0%	40.9%	40.9%
HARDING	1	0	0.0%	33.3%	33.3%
HIDALGO	7	0	0.0%	30.6%	30.6%
LEA	37	0	0.0%	25.6%	25.6%
LINCOLN	30	11	36.7%	18.6%	12.8%
LOS ALAMOS	6	0	0.0%	15.0%	15.0%
LUNA	19	1	5.3%	18.6%	17.7%
MCKINLEY	205	11	5.4%	35.6%	34.0%
MORA	13	0	0.0%	48.3%	48.3%
OTERO	16	5	31.3%	10.8%	7.6%
QUAY	19	0	0.0%	33.3%	33.3%
RIO ARRIBA	128	0	0.0%	56.0%	56.0%
ROOSEVELT	12	2	16.7%	10.6%	9.1%
SAN JUAN	107	2	1.9%	16.7%	16.5%
SAN MIGUEL	72	0	0.0%	35.2%	35.2%
SANDOVAL	99	0	0.0%	45.3%	45.3%
SANTA FE	366	0	0.0%	45.5%	45.5%
SIERRA	29	0	0.0%	24.4%	24.4%
SOCORRO	53	0	0.0%	33.0%	33.0%
TAOS	91	8	8.8%	45.0%	41.7%
TORRANCE	6	0	0.0%	13.9%	13.9%
UNION	1	0	0.0%	7.7%	7.7%
VALENCIA	88	0	0.0%	36.9%	36.9%
Total	3469	331	9.5%	31.9%	29.2%