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FACTS™ PROCEDURES

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Chapter 1: Criminal Procedures

In This Chapter:

In this chapter, you will find the clerical procedures for the following:

- **CRIMINAL FELONY CASES**

Felonies are serious crimes with a possible punishment of over **one (1) year** in prison. Due to the seriousness of the offenses, the proceedings involve several court appearances in both the magistrate/metropolitan (metro) court and district court. [NMSA 1978, § 30-1-6 A.](#)

The process begins with the filing of a complaint in magistrate (metro) court or with a grand jury indictment which is filed directly in district court. If the person is indicted, the court appearances in magistrate (metro) court are eliminated.

In an initial appearance before the magistrate (metro) court, the defendant is advised of his/her rights and his/her right to the appointment of counsel. The initial appearance must occur within **forty-eight (48) hours** after custody commences. [RULE 6-203 NMRA, RULE 7-203 NMRA](#)

The magistrate court (metro) sets a preliminary hearing date either at the initial appearance or shortly thereafter. The hearing must be set within **ten (10) days** if the defendant is in custody or **sixty (60) days** if the defendant is not in custody. [RULE 6-203 NMRA, RULE 7-203 NMRA](#)

For felony cases, preliminary hearings are held in magistrate (metro) court to determine whether a crime has been committed and whether there is cause to believe the defendant committed the crime. At the preliminary hearing, the judge hears testimony and considers the case record to make a finding. The judge then will either order the defendant bound over to district court where the district attorney will file a criminal information or the judge will dismiss the case.

The basic steps in the felony process in district court are outlined in the following section.

Definitions:



CAUTION | COMPLAINT, INFORMATION, & INDICTMENT

Please note the following definitions are pursuant to Rule 5-201 NMRA.

Complaint [RULE 5-201 B. NMRA](#)

A complaint is a sworn written statement of the facts, the common name of the offense and a specific section number of New Mexico Statutes which defines the offense.

Complaints shall be substantially in the form approved by the court administrator.

Information [RULE 5-201 C. NMRA](#)

An information is a written statement, signed by the district attorney, containing the essential facts, common name of the offense and a specific section number of the New Mexico Statutes which defines the offense.

An information may be filed only in the district court. Informations shall be substantially in the form approved by the court administrator, and shall state the names of all witnesses upon whose testimony the information is based.

Indictment [RULE 5-201 D. NMRA](#)

An indictment is a written statement returned by a grand jury containing the essential facts constituting the offense, common name of the offense and a specific section number of the New Mexico Statutes which defines the offense.

All indictments shall be signed by the foreman of the grand jury. Indictments shall be substantially in the form prescribed by the court administrator.

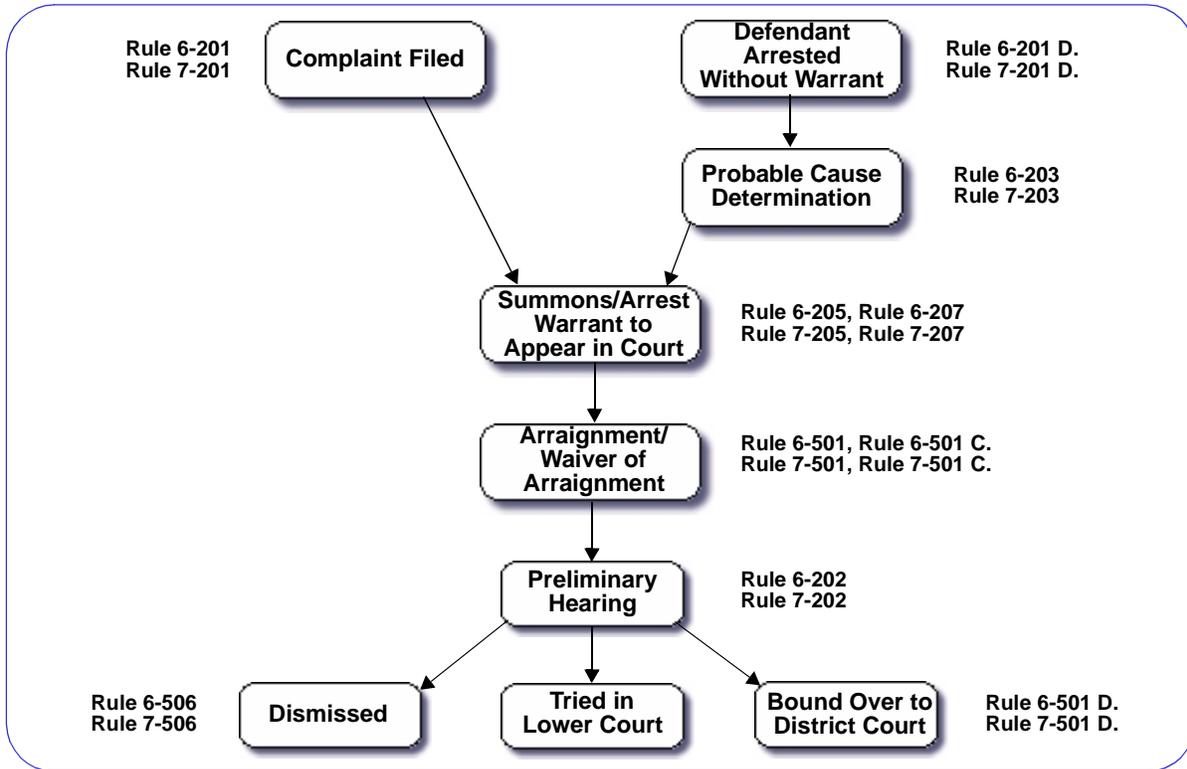
The names of all witnesses upon whose testimony an indictment is based shall appear on the indictment.

Misdemeanor [NMSA 1978, § 30-1-6 B.-C.](#)

A crime is a misdemeanor if it is so designated by law or if upon conviction thereof a sentence of imprisonment in excess of six months but less than one year is authorized.

A crime is a petty misdemeanor if it is so designated by law or if upon conviction thereof a sentence of imprisonment for six months or less is authorized.

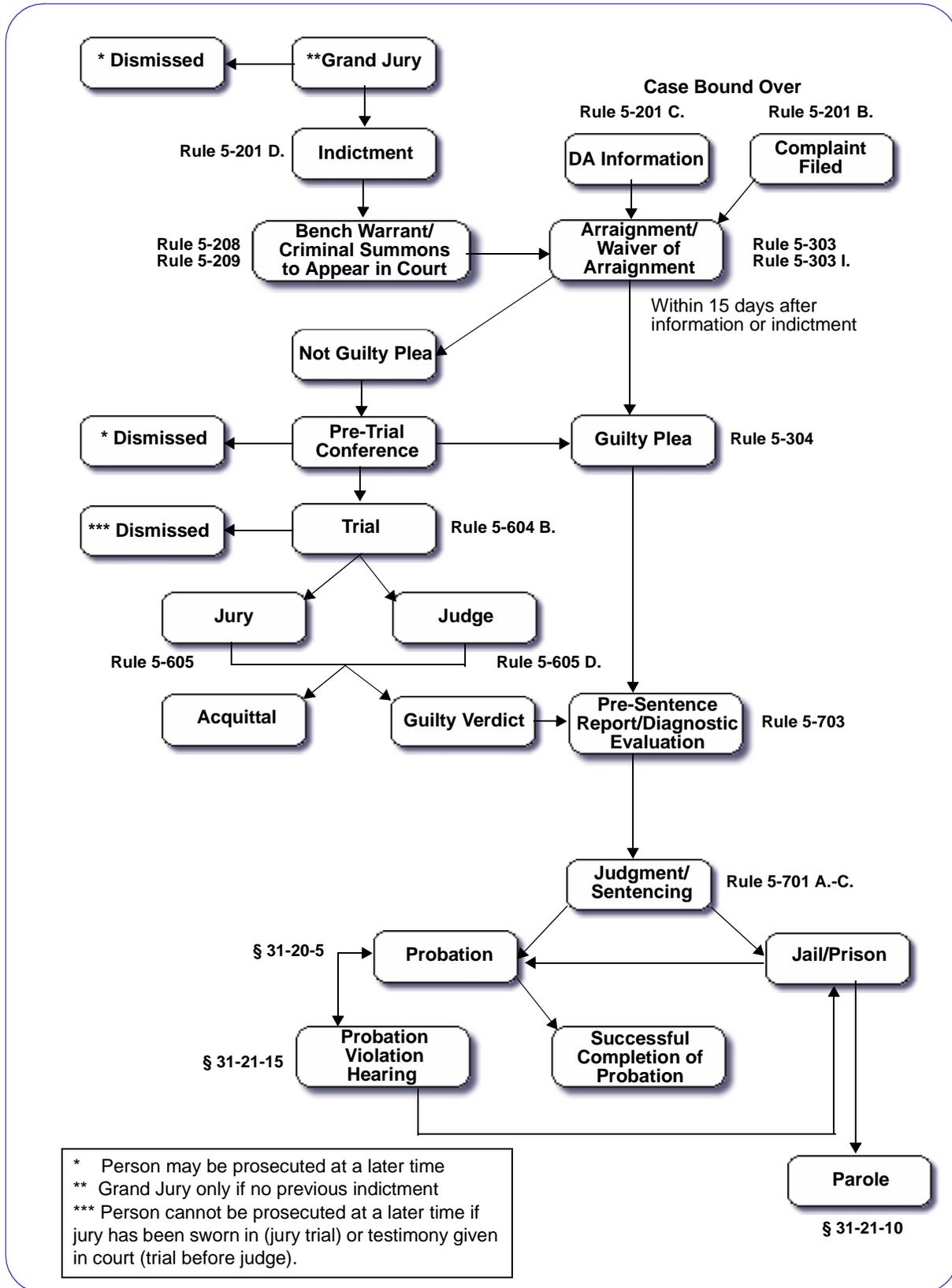
Section 1-1: Criminal Flowchart (Magistrate/Metropolitan Court)



Arraignment at Magistrate or Metropolitan Court

- Charges are read to defendant.
- Conditions of release are addressed.

Section 1-2: Criminal Flowchart (District Court)



Grand Jury-Dismissed	<ul style="list-style-type: none"> • Proceedings may result in a “No Bill.” • There was insufficient evidence to charge target with a crime.
Grand Jury Indictment	<ul style="list-style-type: none"> • Proceedings may result in a “True Bill.”
True Bill	<ul style="list-style-type: none"> • District Attorney files indictment with District Court. • Clerk assigns a case number to indictment on defendant. • Case management application randomly assigns judge to the case.
Bench Warrant/Summons/ Notice Issued	<ul style="list-style-type: none"> • Defendant is set for arraignment after arrest. • Defendant notified to appear for arraignment.
Arraignment	<ul style="list-style-type: none"> • Charges are read to defendant. • Defendant answers to the charges by entering a plea. • Conditions of release are addressed.
Guilty Plea	<ul style="list-style-type: none"> • Plea hearing is scheduled. • Plea and Disposition Agreement may be entered. • Defendant enters a plea of “Guilty” or “No Contest” to some or all of the charges.
Trial	<ul style="list-style-type: none"> • The defendant is found guilty on some or all of the charges, • The judge dismisses the case, or • The defendant is acquitted of the charges, or • The judge declares a mistrial. (The case can be retried at a later date.)
Sentencing	The defendant is sentenced in cases resulting in convictions.
Closing Case	<p>Closing document filed and copies forwarded to the following as per in-house procedure:</p> <ul style="list-style-type: none"> • County Clerk’s Office, Voter Registration Department, • Sex Offender Unit of Sheriff’s Office, • County Detention Center, • Department of Corrections (Grants or Los Lunas), • Probation Office, and • Defense Attorney <p>Case is closed and may be reopened for cause.</p>
Appeal	Time to appeal commences upon filing of final order or judgment.


TIME LIMIT | APPEAL, RULE 12-201 NMRA

A notice of appeal shall be filed ... within **thirty (30) days** after the judgment or order appealed from is filed in the district court clerk's office.

Section 1-3: Criminal Overview



CLERICAL DUTIES | CRIMINAL OVERVIEW

1. Receive Pleadings (can be filed by fax in some districts). Follow in-house procedure.
2. Review pleading.
 - Check court documents, (for example, Indictment, Information, or Complaint).
 - Check case caption, heading and subscription (original signature, printed address and telephone number).
 - Check Count 1 to determine case type.
3. Open case in **FACTS™** Case Master Screen to generate a case number and judge assignment.
 - Case Initiation without Filing Fee,
 - See [CASE INITIATION/REOPEN](#).
 - Enter case type.
 - Receive abstracts; handle abstracts in accordance with in-house procedure.
 - Case Initiation with Filing Fee-(Lower Court Appeals)
4. Issue Summons to Appear, Notice to Appear or Bench Warrant (optional)- according to in-house procedure.
5. Attach Parties to Case.
 - See [ATTACH PARTIES TO CASE](#).
6. Enter charges through Charge/Disposition Screen.
 - See [ENTERING CHARGES](#).
7. Docket Events (Indictment, Information or Complaint).
 - See [DOCKETING](#).
 - Follow in-house procedure regarding docketing opening documents.



CAUTION | JOINDER AND JUDGE ASSIGNMENT

If you are changing a judge assignment as a result of joinder, use the Judge History screen.



CLERICAL DUTIES |

8. Close case.
 - Use Sentencing by Count screen to dispose of counts.
 - See [CRIMINAL SENTENCING](#).
 - Review cases for motor vehicle code violations [NMSA 1978, §32A-2-29](#), [NMSA 1978, § 30-3-8.2](#), [NMSA 1978, § 66-8-135](#).
 - If you encounter anything else, refer to your in-house procedure.
9. Reopened cases.
 - Verify that this case has a closing event.
10. A case can be reopened for cause, by motion, for a probation violation, and by mandate. Some districts include new counts in the probation violation and add them to the existing petition. Other districts file new counts as a new case. Please follow in-house procedure.

Section 1-4: General Rule of Pleadings

RULE 5-202 NMRA

Form	Every pleading shall contain a caption setting forth the name of the court, the title of the action, the file number and a designation as to the type of pleading.
Adoption by reference	Statements made in one part of a pleading may be adopted by reference in another part of the same pleading.
Name of defendant	<ul style="list-style-type: none"> • In any pleading, the name of the defendant, if known, shall be stated. • If the name of the defendant is not known, he may be described by any name or description by which he can be identified with reasonable certainty.
Joinder of defendants	<ul style="list-style-type: none"> • No complaint, information or indictment may charge more than one defendant. • Defendants may be joined for trial pursuant to RULE 5-203 NMRA.

**CAUTION | DOB AND SOCIAL SECURITY NUMBER**

In order to differentiate people with the same name, verify that the pleadings include the defendant's **date of birth** and **social security number**.

Section 1-5: Protection of Records

NMSA 1978, § 31-21-6

**CLERICAL DUTIES | SEALED DOCUMENTS**

- Follow in-house procedure regarding sealed documents.

Section 1-6: Methods Of Prosecution

RULE 5-201, NMRA

Commencement of Prosecution	<p>A prosecution may be commenced by the filing of:</p> <ul style="list-style-type: none"> • A complaint, • An information, or • An indictment.
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**TIME LIMIT | INFORMATION, RULE 5-201, NMRA**

An information shall be filed within **thirty (30) days** after completion of a preliminary examination or waiver unless time is extended by the court upon motion of the district attorney.

**CAUTION | COMPLAINTS NOT FILED BY DA**

- If not approved by the district attorney, bring to a judge's attention for further instructions on filing.
- If approved, a filing fee is required. [RULE 5-207 NMRA](#)

Section 1-7: Rules and Statutes Regarding Defendants

Notice of Right to Representation	NMSA 1978, § 31-16-4
Determination Of Indigency	NMSA 1978, § 31-16-5
Waiver Of Right To Representation	NMSA 1978, § 31-16-6
Recovery From Defendant	NMSA 1978, § 31-16-7
Payment Of Costs, Expenses And Attorney Fees	NMSA 1978, § 31-16-8

Section 1-8: Filing of Information or Grand Jury Indictment

Information or Grand Jury Indictment	<ul style="list-style-type: none"> • After probable cause is found, the prosecutor files an "Information" in district court or a grand jury indictment may be filed. Some changes may result due to findings at the preliminary hearing. • A separate complaint, indictment or information shall be filed for each defendant. • Two or more defendants may be joined on motion of a party, or will be joined by the filing of a statement of joinder by the state contemporaneously with the filing of the complaints, indictments or informations charging such defendants. RULE 5-203 NMRA
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**CLERICAL DUTIES | COMPLAINT, INDICTMENT OR INFORMATION**

1. Verify that criminal complaint, information or indictment is properly signed and filed at the appropriate court.
2. Follow case management application (FACTS™) procedure or case initiation.
3. File stamp pleading.
4. Follow in-house procedure regarding distribution of documents.
5. Upon request, issue summons to appear, notice to appear or warrant in accordance with in-house procedure.

**CAUTION | SERVICE OF CRIMINAL SUMMONS, RULE 5-209 NMRA**

Service shall be made at least **ten (10) days** before the defendant is required to appear.

6. Follow in-house procedure regarding scheduling of arraignment date.
7. Follow case management procedure for Entering a Case and Docketing.
8. Follow in-house procedure regarding index in docket book and on master index cards.
9. Place pleadings in pre-numbered case file and file numerically in proper place.
10. Upon filing of bindover, record or tape of preliminary hearing shall be filed within **ten (10) days** of request. **RULE 5-302 B. NMRA**
11. File tapes where you can easily retrieve them, but separate from the court file. Make a copy on request. Grand Jury tapes may require a court order as per in-house policy.

**CAUTION | NO ORIGINAL TAPES**

- Do not check out **original** tapes.
- Make a copy on request.

Section 1-9: Issuance and Service of Warrant

RULE 5-208 NMRA

Time	Upon the docketing of any criminal action, the court may issue a summons or arrest warrant.
Form of Warrant	<ul style="list-style-type: none"> • The warrant shall be signed by the court and shall contain the name of the defendant or, if his name is unknown, any name or description by which he can be identified with reasonable certainty. • It shall describe the offense charged. • It shall command that the defendant be arrested and brought before the court.
Form of Summons	<ul style="list-style-type: none"> • The summons shall be in the same form as the warrant except that it shall summon the defendant to appear before the court at a stated time and place. • A summons or arrest warrant shall be substantially in the form approved by the court administrator.
Basis for Warrant	<ul style="list-style-type: none"> • The court may issue a warrant for arrest upon an indictment or a sworn written statement of the facts showing probable cause for issuance of a warrant. • The showing of probable cause shall be based upon substantial evidence, which may be hearsay in whole or in part, provided there is a substantial basis for believing the source of the hearsay to be credible and for believing that there is a factual basis for the information furnished. • Before ruling on a request for a warrant, the court may require the affiant to appear personally and may examine under oath the affiant and any witnesses he may produce, provided that such additional evidence shall be reduced to writing and supported by oath or affirmation.

Section 1-10: Service

SERVICE OF SUMMONS

RULE 5-209 NMRA

Service	<ul style="list-style-type: none"> • A summons shall be served in accordance with the rules governing service of process in civil actions unless the court directs service by mail. • A copy of the complaint, indictment or information shall be attached to the summons. • Service by mail is complete upon mailing.
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TIME LIMIT | SERVICE OF A CRIMINAL SUMMONS, RULE 5-209 NMRA

Service shall be made at least **ten (10) days** before the defendant is required to appear.

Failure to Appear	<p>If a defendant fails to appear in person, or by counsel when permitted by these rules, at the time and place specified in the summons, the court may issue a warrant for the defendant's arrest, and thereafter the action shall be treated as if the warrant had been the first process in the action.</p>
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Section 1-11: Arraignment in District Court

- At the district court arraignment, the defendant is read the charges and enters a plea.
- The defendant may waive arraignment with permission of the court by filing a plea of “not guilty” prior to or at the time set for arraignment. [RULE 5-303 H. NMRA](#)
- The court may also set dates for other hearings (motions, pre-trial, trial).
- The court reviews the bond and may set it.

**TIME LIMIT | ARRAIGNMENT, RULE 5-604 NMRA**

Arraignment to be held within **fifteen (15) days** of filing or arrest, whichever is later.

**CLERICAL DUTIES | ARRAIGNMENT**

- Follow in-house procedure regarding arraignments.

Section 1-12: Time Limits

RULE 5-604 NMRA

**TIME LIMIT | ARRAIGNMENT, RULE 5-604 NMRA**

The defendant shall be arraigned on the information or indictment within **fifteen (15) days** after the date of the filing of the information or indictment or the date of arrest, whichever is later.

**TIME LIMIT | COMMENCEMENT OF TRIAL, RULE 5-604 NMRA B.**

The trial of a criminal case, or an habitual criminal proceeding shall be commenced **six (6) months** after whichever of the following events occurs latest:

- The date of arraignment, or waiver of arraignment, in the district court of any defendant;
- If the proceedings have been stayed to determine the competency of the defendant to stand trial, the date an order is filed finding the defendant competent to stand trial;
- If a mistrial is declared or a new trial is ordered by the trial court, the date such order is filed;
- In the event of an appeal, including interlocutory appeals, the date the mandate or order is filed in the district court disposing of the appeal;
- If the defendant is arrested or surrenders in this state for failure to appear, the date of arrest or surrender of the defendant;
- If the defendant is arrested or surrenders in another state or country for failure to appear, the date the defendant is returned to this state;
- If the defendant has been placed in a preprosecution diversion program, the date of the filing with the clerk of the district court of a notice of termination of a preprosecution diversion program for failure to comply with the terms, conditions or requirements of such program;
- The date the court allows the withdrawal of a plea or the rejection of a plea made pursuant to Paragraphs A to F of Rule 5-304 NMRA.

**TIME LIMIT | DISTRICT COURT EXTENSION, RULE 5-604 C. NMRA**

For good cause shown, the time for commencement of trial may be extended by the trial judge provided that the aggregate of all extensions granted by the trial judge may not exceed **three (3) months**.

**TIME LIMIT | SUPREME COURT EXTENSION, RULE 5-604 D. NMRA**

For good cause shown, the time for commencement of trial may be extended by the Supreme Court or a justice thereof.

**TIME LIMIT | PROCEDURE FOR EXTENSION, RULE 5-604 E. NMRA**

- The party seeking an extension of time shall file with the clerk of the court a verified petition for extension concisely stating the facts petitioner deems to constitute good cause for an extension of time to commence the trial.
- The petition shall be filed within the applicable time limits prescribed by this rule, except that it may be filed within **ten (10) days** after the expiration of the applicable time limits if it is based on exceptional circumstances beyond the control of the state or trial court which justify the failure to file the petition within the applicable time limits.
- A party seeking an extension of time shall forthwith serve a copy thereof on opposing counsel. Within **five (5) days** after service of the petition, opposing counsel may file an objection to the extension setting forth the reasons for such objection. No hearing shall be held except upon order of the court.
- If the court finds that there is good cause for the granting of an extension beyond the applicable time limit, it shall fix the time limit within which the trial must commence.

**TIME LIMIT | NONCOMPLIANCE WITH TIME LIMITS, RULE 5-604 F. NMRA**

In the event the trial of any person does not commence within the time specified in Paragraph B of Rule 5-604 NMRA or within the period of any extension granted as provided in this rule, the information or indictment filed against such person shall be dismissed with prejudice.

**TIME LIMIT | APPLICABILITY, RULE 5-604 NMRA**

This rule shall not apply to cases appealed from the metropolitan, magistrate or municipal court.

Section 1-13: Habitual Offender

NMSA 1978, § 31-18-19

Duty of District Attorney	If at any time, either after sentence or conviction, it appears that a person convicted of a noncapital felony is or may be a habitual offender, it is the duty of the district attorney of the district in which the present conviction was obtained to file an information charging that person as a habitual offender.
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Section 1-14: Events Following Trial or Other Disposition



TIME LIMIT | JUDGMENT, RULE 5-701 C. NMRA

Within **thirty (30) days** after the conclusion of the sentencing hearing, the court shall enter a judgment and sentence.

<p>Restitution</p>	<ul style="list-style-type: none"> • In every case wherein there is a conviction, the costs may be adjudged against the defendant. NMSA 1978, § 31-12-6 • The defendant may be required to make restitution to his/her victims pursuant to NMSA 1978, § 31-17-1. • The defendant upon conviction shall be required to reimburse the amount of any reward paid by an agency or program for information leading to his/her arrest. NMSA 1978, § 31-20-6 • The defendant upon conviction shall be required to pay the actual costs of his/her probation service to the Corrections Department. Cost payments not exceeding \$1,020 annually may be paid in monthly installments and can be modified with court approval on the basis of changed financial circumstances. NMSA 1978, § 31-20-6
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INSTALLMENT PAYMENTS OF FINES AND FEES

[NMSA 1978, § 31-12-3](#)

<p>Paying fines and/or costs in installments.</p>	<ul style="list-style-type: none"> • Any person sentenced to pay a fine or to pay fees and costs in any criminal proceeding against him, either in addition to or without a term of imprisonment, may in the discretion of the court be allowed to pay such fine, fees or costs in installments of such amounts, at such times and upon such conditions as the court may fix. • The defendant may also be required to serve a period of time in labor to be known as "community service" in lieu of all or part of the fine. • If unable to pay the fees or costs, he may be granted permission to perform community service in lieu of them as well. • Unless otherwise provided, however, the total fine, fees and costs shall be payable forthwith.
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Modification of Terms	<ul style="list-style-type: none"> The court may at any time revise, modify, reduce or enlarge the amount of the installment or the time and conditions fixed for payment of it.
Default of Payment	<ul style="list-style-type: none"> When a defendant sentenced to pay a fine in installments or ordered to pay fees or costs defaults in payment, the court, upon motion of the prosecutor or upon its own motion, may require the defendant to show cause why his default should not be treated as contumacious and may issue a summons or a warrant of arrest for his appearance. It shall be a defense that the defendant did not willfully refuse to obey the order of the court or that he made a good faith effort to obtain the funds required for the payment. If the defendant's default was contumacious, the court may order him committed until the fine or a specified part of it or the fees or costs are paid. The maximum term of imprisonment for such contumacious nonpayment shall be specified in the order of commitment.
Extension of the Payment Period	<ul style="list-style-type: none"> If it appears that a defendant's default in the payment of a fine, fees or costs is not contumacious, the court may allow the defendant additional time for payment, reduce the amount of the fine or of each installment, revoke the fine or the unpaid portion in whole or in part or require the defendant to perform community service in lieu of the fine, fees or costs.

RESTITUTION

<p>Victim restitution. NMSA 1978, § 31-17-1 B.</p>	<p>Courts may require as a condition of probation or parole that the defendant in cooperation with a parole officer promptly prepare a plan of restitution, including a specific amount of restitution to each victim and a schedule of payment.</p>
<p>Plan of Restitution NMSA 1978, § 31-17-1 C.</p>	<ul style="list-style-type: none"> • Defendant's plan of restitution and the recommendations of his/her probation or parole officer shall be submitted to the court. • The court shall promptly enter an order approving, disapproving or modifying the plan.
<p>Mail Plan to Victim NMSA 1978, § 31-17-1 E.</p>	<p>The clerk of the court shall mail to each known victim a copy of the court's order approving or modifying the plan of restitution, including the court's statement, if any.</p>

MOTOR VEHICLE DEPARTMENT

NMSA 1978, § 30-3-8.2

<p>Record of Conviction</p>	<ul style="list-style-type: none"> • Upon a conviction for the offense of shooting at or from a motor vehicle pursuant to Subsection B of Section 30-3-8 NMSA 1978, or of a conviction for a conspiracy or attempt to commit that offense, the district court shall send a record of the conviction to the motor vehicle division of the taxation and revenue department. • The division shall immediately revoke the driver's licenses or driving privileges of all persons convicted of the offense of shooting at or from a motor vehicle, or convicted of conspiring or attempting to commit that offense, pursuant to the provisions of Subsection E of Section 66-5-29 NMSA 1978.
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NMSA 1978, § 66-8-135

Record of Traffic Cases	Every trial court judge shall keep a record of every traffic complaint, uniform traffic citation and other form of traffic charge filed in the judge's court or its traffic violations bureau and every official action and disposition of the charge by that court.
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**TIME LIMIT | ABSTRACTS,**

Within **ten (10) days** of the later of entry of judgment and sentence or failure to appear on a charge of violating the Motor Vehicle Code or other law or ordinance relating to motor vehicles or the final decision of any higher court that reviews the matter and from which no appeal or review is successfully taken, every trial court judge, including children's court judges, or the clerk of the court in which the entry of judgment and sentence or failure to appear occurred shall prepare and forward to the department an abstract of the record containing:

- the name and address of the defendant;
- the specific section number and common name of the provision of the NMSA 1978 or local law, ordinance or regulation under which the defendant was tried;
- the plea, finding of the court and disposition of the charge, including fine or jail sentence or both, forfeiture of bail or dismissal of the charge;
- an itemization of costs assessed to the defendant;
- the date of the hearing;
- the court's name and address;
- whether the defendant was a first or subsequent offender; and
- whether the defendant was represented by counsel or waived his right to counsel and, if represented, the name and address of counsel.

	<ul style="list-style-type: none"> The abstract of record prepared and forwarded under Subsection B of this section shall be certified as correct by the person required to prepare it. With the prior approval of the department, the information required by Subsection B of this section may be transmitted electronically to the department. Report need not be made of any disposition of a charge of illegal parking or standing of a vehicle except when the uniform traffic citation is used.
	When the uniform traffic citation is used, the court shall provide the information required by Subsection B of this section in the manner prescribed by the department.
	The failure or refusal of any judicial officer to comply with this section is misconduct in office and grounds for removal.



TIME LIMIT | ABSTRACTS

- Every court of record shall also forward a like report to the department upon conviction of any person of any felony if a motor vehicle was used in the commission. With the prior approval of the department, the information required by this subsection may be submitted electronically to the department.
- The report shall be forwarded to the department within **ten (10) days** of the final decision of the court or of any higher court that reviews the matter and from which the decision of no appeal or review is successfully taken.



CAUTION | ABSTRACTS

Clerk should prepare, docket and file a certificate of mailing or certificate of transmission if electronically submitted.

Motor Vehicle Department

- Every court of record shall also forward a like report to the department upon conviction of any person of any felony if a motor vehicle was used in the commission.
- With the prior approval of the department, the information required by this subsection may be submitted electronically to the department.

**TIME LIMIT | REPORT, NMSA 1978, § 66-8-135 E.**

The report shall be forwarded to the department within **ten (10) days** of the final decision of the court or of any higher court that reviews the matter and from which the decision of no appeal or review is successfully taken.

**CLERICAL DUTIES | POST DISPOSITION PROCEDURES**

1. Prepare orders, judgments and sentences. (Optional-In most districts, these are prepared by the district attorney.)
2. When applicable, file verdict.
3. File judgment and sentence and docket according to case management application procedures.
 - Enter the amount of restitution, the length of probation, etc.
4. Follow in-house procedure regarding distribution of judgment and sentence.
5. Upon receipt of court order or court approval, follow in-house procedure regarding exonerating a bond or refunding a cash bond.
6. Send Notice of Entry of Judgment to defendant's attorney. [RULE 5-701 NMRA](#)
7. Prepare and send certificate of felony conviction to county clerk. [NMSA 1978, § 1-4-27](#)

**CAUTION | CERTIFICATE OF CONVICTIONS**

Do not issue a Certificate of Conviction for a conditional discharge or non-felony conviction (misdemeanor).

8. When a motor vehicle has been used to commit a felony, send required information on conviction to Motor Vehicle Department. [NMSA 1978, § 30-3-8.2](#), [NMSA 1978, § 66-8-135 E.](#)
9. Receipt fines and fees according to your district policy.
10. After judgment and sentence is filed, close the case.
11. Upon receipt, file and docket the Satisfactory or Unsatisfactory Order of Dismissal, or Certificate of Completion of Probation that the Department of Corrections sends to the court. (This does not reopen the case.).

**CAUTION | REOPENING A CASE**

Only reopen a case if an event requires the scheduling of a hearing.

12. Follow in-house procedure regarding archiving files and releasing exhibits.
13. File Notice of Completion of Probation sent by Department of Corrections. Pursuant to [NMSA 1978, § 31-20-9](#), filing serves as an Order of Dismissal. (Defendant can take order to county clerk to purge certificate of felony conviction.)

CAPITAL PUNISHMENT (DEATH SENTENCE)



TIME LIMIT | WARRANT OF EXECUTION, NMSA 1978, § 31-14-1

- When judgment of death is rendered by any court of competent jurisdiction, a warrant signed by the judge and attested (certified) by the clerk under the seal of the court must be drawn and delivered to the sheriff.
- It must state the conviction and judgment and appoint a day on which the judgment is to be executed, which must be not less than **sixty (60)** nor more than **ninety (90) days** from the date of judgment and must direct the sheriff to deliver the defendant, at a time specified in said order, not more than **ten (10) days** from the date of judgment, to the warden of the state penitentiary at Santa Fe for execution.

<p>Notice to Governor NMSA 1978, § 31-14-2</p>	<p>The judge of the court at which a conviction is had, must, immediately after the conviction, transmit to the governor, by mail or otherwise, a statement of the conviction and judgment.</p>
<p>Return of Warden NMSA 1978, § 31-14-16</p>	<p>After the execution, the warden must make a return upon the death warrant to the court by which the judgment was rendered, showing the time, mode and manner in which it was executed.</p>

_____ JUDICIAL DISTRICT COURT
COUNTY OF _____
STATE OF NEW MEXICO

JOE SMITH,
Petitioner,

VS

NO. _____

TIM LEMASTER,
Respondent,

WARRANT OF EXECUTION

THE STATE OF NEW MEXICO TO THE WARDEN OF THE PENITENTIARY
OF NEW MEXICO.

The Defendant having been convicted of Murder in the First Degree of Jane Doe, and the Court having entered Judgment, Sentence and Commitment thereon adjudging a sentence of Death pursuant to the jury verdict duly received and entered by the Court on the 18th day of March 1996, the jury verdict appealed as required by law to the New Mexico Supreme court and the New Mexico Supreme Court having confirmed the jury verdict and issued the Mandate on the 22nd day of September 1999, remanding the issue to the District Court to carry out the Judgment and Sentence, and there existing no legal reason upon the record herein against execution of the judgment of death.

IT IS THEREFORE ORDERED THAT You, the Warden of the Penitentiary of New Mexico are hereby directed and commanded to execute the Judgment and Sentence of this Court by the administration of lethal injection to said JOE SMITH in accordance with NMSA 1978, § 31-14-11, on the 6th day of November, 2001.

UPON EXECUTION of the Judgment and Sentence directed herein, You, the Warden of the Penitentiary of New Mexico, shall FORTHWITH make a return upon this Warrant to this Court indicating the time, mode and manner by which the Judgment was executed.

Dexter M. Jones
District Judge
Division III

ATTEST

ANNIE HALL
CLERK OF THE DISTRICT COURT
JUDICIAL DISTRICT

SUBMITTED BY:

THOMAS TIMMONS
DISTRICT ATTORNEY
JUDICIAL DISTRICT

ANNA MONTOYA
CHIEF DEPUTY DISTRICT ATTORNEY
JUDICIAL DISTRICT

NOTED BY:

GLORIA CHAVEZ
ATTORNEY FOR JOE SMITH

_____ JUDICIAL DISTRICT COURT
 COUNTY OF _____
 STATE OF NEW MEXICO

JOE SMITH,
 Petitioner,

VS NO. _____

TIM LEMASTER,
 Respondent,

RETURN UPON WARRANT OF EXECUTION

TO: THE HONORABLE DEXTER M. JONES, DISTRICT JUDGE

I, Tim LeMaster, Warden of the Penitentiary of New Mexico, having received the WARRANT OF EXECUTION which was filed in the above-styled cause on August 14, 2001, and which directed and commanded me to execute the Judgment and Sentence of the Court by the administration of lethal injection to Joe Smith on the 6th day of November 2001, hereby make return upon said WARRANT and advise the Court that on November 6, 2001, at 7:00 p.m., at the Penitentiary of New Mexico in Santa Fe, I caused the Judgment and Sentence to be executed by the administration of a continuous, intravenous injection of a lethal quantity of an ultra-short-acting barbiturate in combination with a chemical paralytic agent that resulted in the death of Joe Smith at 7:10 p.m. that same day.

 Tim LeMaster
 Penitentiary of New Mexico

Subscribed and sworn to before me this 7th day of November, 2001.

 Notary Public

My commission expires: 4/20/03



CLERICAL DUTIES | POST DISPOSITION PROCEDURES

1. If applicable, deliver Warrants of Execution signed by judge and certified by clerk to sheriff.
2. If applicable, send a copy of Warrant of Execution to the governor.

EXPIRATION OF SUSPENDED SENTENCE OR DEFERMENT

<p>Suspended Sentence NMSA 1978, § 31-20-8</p>	<ul style="list-style-type: none"> Whenever the period of suspended sentence expires without revocation of the order, the defendant is relieved of any obligations imposed on him by the order of the court and has satisfied his criminal liability for the crime. He shall thereupon be entitled to a certificate from the court so reciting such facts, and upon presenting the same to the governor, the defendant may, in the discretion of the governor, be granted a pardon or a certificate restoring such person to full rights of citizenship.
<p>Completion of Total Term of Deferment NMSA 1978, § 31-20-9</p>	<p>Whenever the period of deferment expires, the defendant is relieved of any obligations imposed on him by the order of the court and has satisfied his criminal liability for the crime, the court shall enter a dismissal of the criminal charges.</p>

**CAUTION | RELIEF OF OBLIGATIONS**

According to the state constitution, obligations owed to the state of New Mexico cannot be forgiven.

**CAUTION | OBLIGATIONS OWED TO STATE OF NEW MEXICO, N.M. CONST., ART. IV, § 32**

No obligation or liability of any person, association or corporation held or owned by or owing to the state, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released, postponed or in any way diminished by the legislature, nor shall any such obligation or liability be extinguished except by the payment thereof into the proper treasury, or by proper proceeding in court.

**CLERICAL DUTIES | NOTICE OF COMPLETION**

Upon request by Defendant, court will provide a certified copy of Notice of Completion.

Section 1-15: Convictions for Deportable Offenses

	<ul style="list-style-type: none"> • After all activity in any case is completed, the case is closed. If a conviction must be reported to the Immigration and Naturalization Service ("INS"), see below for clerical duties regarding reporting of these convictions. • Cases that require such reporting must be set aside so that they can be reported at the appropriate time.
--	---

	<ul style="list-style-type: none"> • After determining citizenship and type of offense, Probation/Parole Division staff shall complete Federal Form OMB No. 1121-0168 on all reportable offenders having contact with their district offices. • Probation/Parole Division staff will obtain the necessary information on reportable offenders via the pre-sentence report process, adjudication process (sentencing), or the signing process for unsupervised probation orders. • The Probation/Parole Division shall then forward the federal form to the appropriate district court clerk's office as listed on the federal form after determining that the offense is a reportable offense.
	<p>The district court shall file the form in the case file of the offender in a conspicuous location in the file. The form will be mailed to INS when the case is ripe for reporting, as set forth below.</p>

	<p>The appropriate district court clerk will send the federal form to the INS District Office in El Paso in accordance with the following:</p> <ul style="list-style-type: none"> • Reportable offenders who plead guilty and are sentenced to prison, jail, unsupervised or supervised probation will be reported within 30 days of final conviction. • Reportable offenders whose plea is anything other than guilty, who waive their appeal rights or whose 30-day appeal period lapses, and who are sentenced to prison, jail, unsupervised or supervised probation will be reported within 30 days of waiver of appeal or expiration of time in which to appeal. • Reportable offenders whose plea is anything other than guilty, who exhaust their appeal rights, and who are sentenced to prison, jail, unsupervised or supervised probation will be reported within 30 days of exhaustion of appeal rights. • Reportable offenders who initially receive deferred sentences, but who later violate and receive a suspended or prison sentence, should be reported depending on which of the above categories they fall into after conviction and sentencing.
	<ul style="list-style-type: none"> • Exceptions to the above will include instances when the district court clerks are specifically contacted by the INS and asked to submit the federal form sooner than normal. • When this occurs, the district court clerks will send the requested federal form to the INS within five (5) working days of the request.
	<ul style="list-style-type: none"> • The district court clerk offices shall submit certified conviction documents to the INS within 30 days of any request for these documents. • Whenever the district court clerks submit a federal form to the INS, they shall also submit a copy to the State Central Repository, Records Bureau, Department of Public Safety, P.O. Box 1628, Santa Fe New Mexico 87504.

**CLERICAL DUTIES | REPORTING TO INS**

Follow in-house procedure for reporting felony convictions to the Immigration and Naturalization Service (INS).

Section 1-16: Reopened Cases

After a case is closed, the act of filing of pleadings that require a hearing reopens a case, (such as, motions to revoke probation, post-conviction motions, etc.), or a mandate from the appellate court requiring a hearing or further action reopens a case.

**CLERICAL DUTIES | REOPENING A CASE**

Follow case management application (FACTS™) procedures for reopening a case.

Section 1-17: Effect of Felony Conviction on Civil Rights

NMSA 1978, § 31-13-1

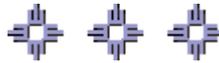
<p>Restoration of Voting Rights</p>	<p>A person who has been convicted of a felony shall not be permitted to vote in any statewide, county, municipal or district election held pursuant to the provisions of the Election Code [Chapter 1 NMSA 1978], unless the person:</p> <ul style="list-style-type: none"> • Has completed the terms of a suspended or deferred sentence imposed by a court; • Was unconditionally discharged from a correctional facility under the jurisdiction of the corrections department or was conditionally discharged from a correctional facility under the jurisdiction of the corrections department and has completed all conditions of probation or parole; • Was unconditionally discharged from a correctional facility under the jurisdiction of a federal corrections agency or was conditionally discharged from a correctional facility under the jurisdiction of a federal corrections agency and has completed all conditions of probation or parole; or • Has presented the governor with a certificate verifying the completion of his sentence and was granted a pardon or a certificate by the governor restoring his full rights of citizenship.
<p>Certificate of Completion</p>	<p>A person who has served the entirety of a sentence imposed for a felony conviction, including a term of probation or parole shall, upon his request to the corrections department, be issued a certificate of completion by the corrections department.</p>
<p>Holding Public Office</p>	<p>A person who has been convicted of a felony shall not be permitted to hold an office of public trust for the state, a county, a municipality or a district, unless the person has presented the governor with a certificate verifying the completion of his sentence and was granted a pardon or a certificate by the governor restoring his full rights of citizenship.</p>

Chapter 2: Criminal Flowcharts

Section 2-1: Case Initiation



Figure 2-1: Case Initiation



Section 2-2: Attach Parties to Case

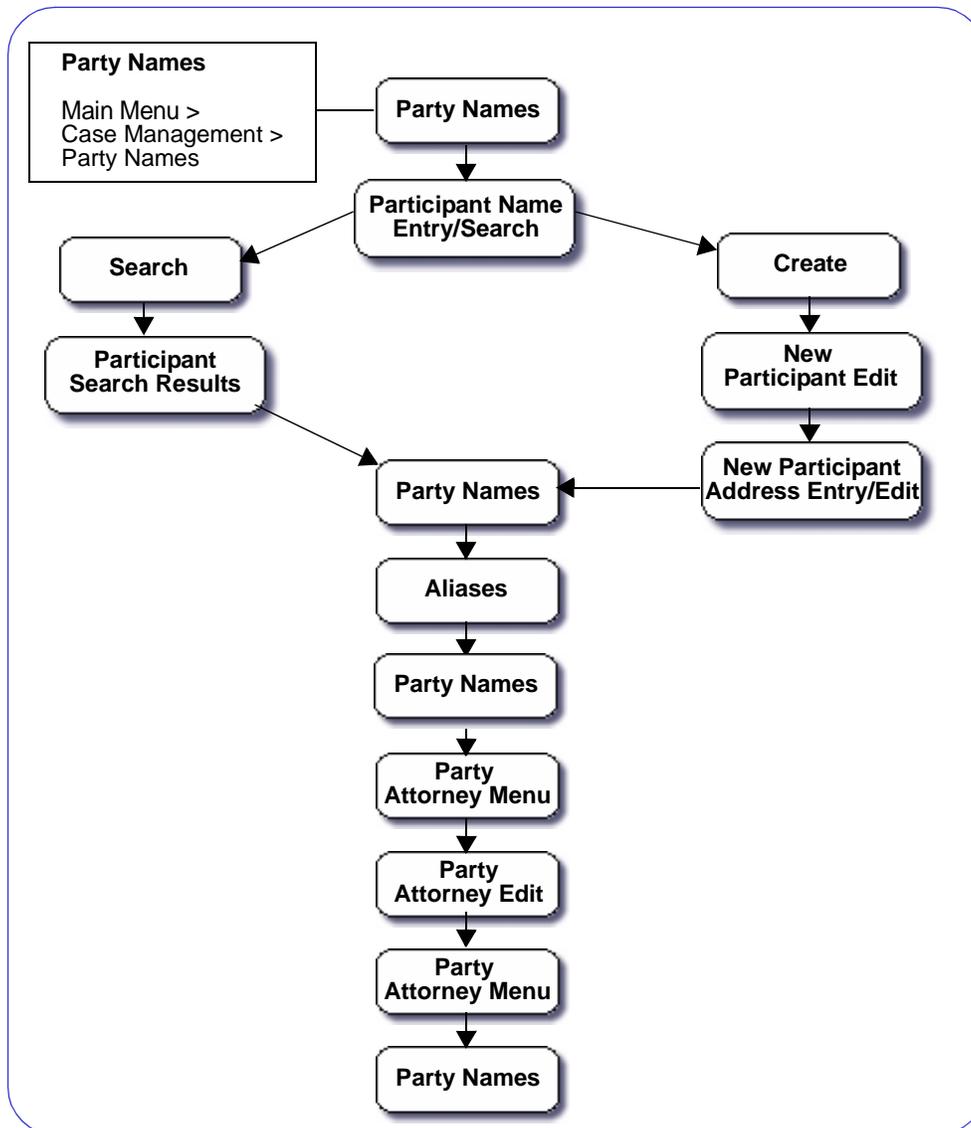
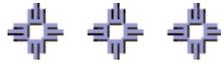


Figure 2-2: Attach Parties to Case



Section 2-3: Docketing

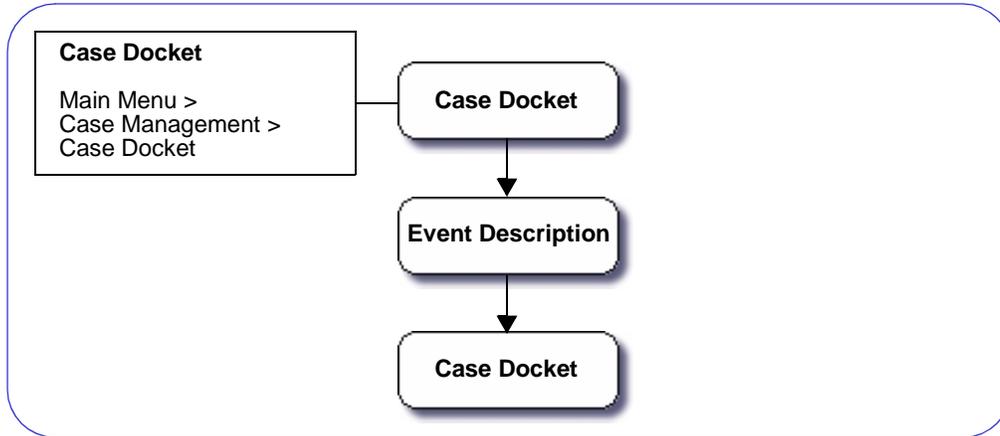


Figure 2-3: Docketing



Section 2-4: Entering/Closing Charges

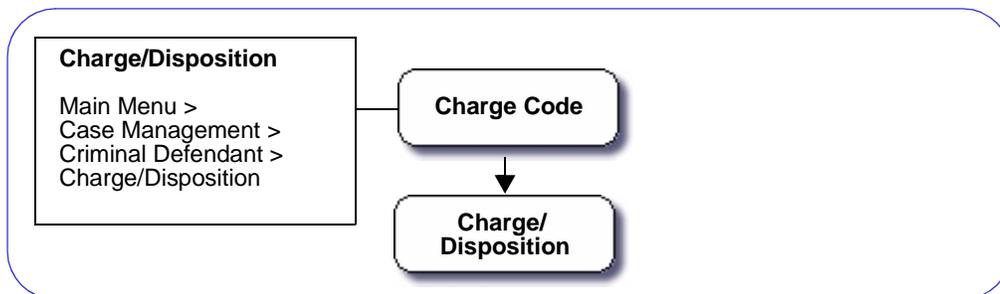


Figure 2-4: Charge/Disposition



Section 2-5: Sentencing

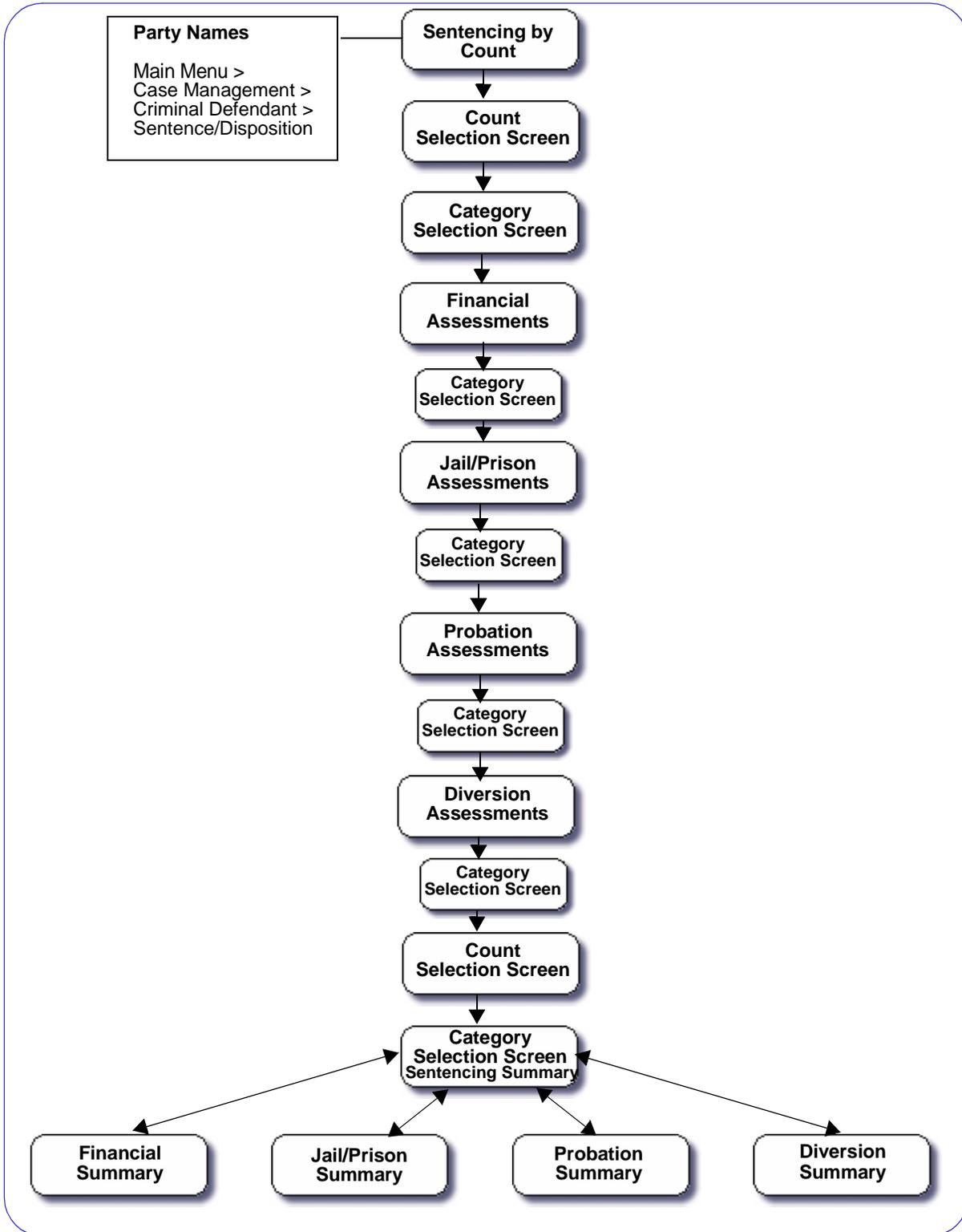


Figure 2-5: Sentencing



Section 2-6: Docketing Closing Event

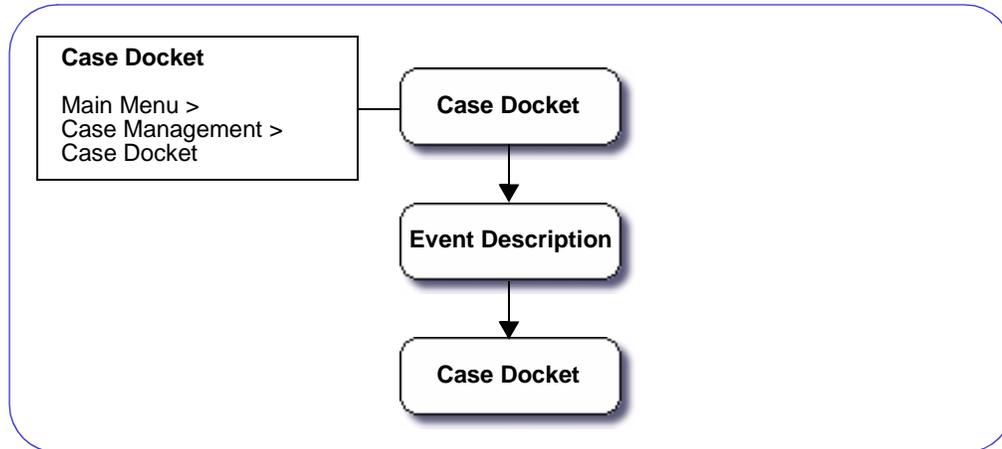


Figure 2-6: Docketing Closing Event

Chapter 3: FACTS™ Procedures

Section 3-1: Case Initiation/Reopen

- **MAIN MENU** >
- **CASE MANAGEMENT** >
- **CASE MASTER.** The Case Master screen will appear. (FIGURE: 3-1.1)

Figure 3-1.1: Case Master

FIELD NAME	INSTRUCTIONS
Case Number:	<ul style="list-style-type: none"> • FACTS™ will enter default Court and Location Codes. • If applicable, change location in multi-county courts.
Court (Default-D for District)	
Location (Default-four digit location code, for example, 0101)	
Category	<ul style="list-style-type: none"> • Enter case category, CR. • Press ENTER.

FIELD NAME	INSTRUCTIONS (CONTINUED)
Number	<ul style="list-style-type: none"> FACTS™ will ask: "Do you want to enter a new Case?" Press ENTER or Click on YES to indicate that you want to add a new case.
Case Status: (Default-PN for Pending)	<ul style="list-style-type: none"> Press ENTER or Press F1 for a lookup table.
Status Date: (Default-current date)	<ul style="list-style-type: none"> Press ENTER or Delete and enter appropriate date.
Type of Filing (Default N for New)	<ul style="list-style-type: none"> Press ENTER.
Filing Date: (Default to current date)	<ul style="list-style-type: none"> Press ENTER or Delete and enter appropriate date.
Title	<ul style="list-style-type: none"> Enter Case Title from Petition (STATE VS SMITH JORDAN) and Press ENTER.
Case Type	<ul style="list-style-type: none"> Enter appropriate code from the list below:

CODE	CASE TYPE
FDG	Felony Drug Offense
FDV	Felony Domestic Violence
FDW	Felony DWI/DUI
FFD	Felony-First Degree
FHB	Felony Habitual
FHO	Felony Homicide
FMS	Felony Miscellaneous Felony
FPE	Felony Crimes Against the Person
FPP	Felony Crimes Against Property
FPS	Felony Public Safety
FSX	Felony Sexual Offenses
FVH	Felony Vehicular Homicide
GJM	Grand Jury Matters
WAR	Search Warrants
XTD	Extradition

Save Button

- Mouse click on **SAVE** button.
- FACTS™ will generate a new case number and assign a judge;
- A screen prompt will show case number and judge assignment; press **ENTER** key to save data.
- A message box will appear that states data has been saved.
- Press **ENTER** or click **OK**.



Section 3-2: Attach Parties to Case

After the case has been initiated, the **PARTY NAMES** screen will automatically pop-up or can be accessed by making the following menu choices:

- **MAIN MENU >**
- **CASE MANAGEMENT >**
- **PARTY NAMES >**. The Party Names screen will appear. (FIGURE: 3-2.1)

Figure 3-2.1: Party Names

FIELD NAMES	INSTRUCTIONS
Case Number: (Default-last case number, if coming from the Case Master screen)	If you are beginning a new session or need to enter data from a different case, enter the Category and Number for the case.
Court (Default-D for District)	
Location (Default-four digit location code, for example, 0101)	
Category	Enter category, CR.
Number	Enter case number.
Party Type:	Enter appropriate party type from the list below.

D	Defendant	P	Plaintiff
DE	Defendant Appellee	PE	Plaintiff Appellee
DP	Defendant Appellant	PP	Plaintiff Appellant

Party No.:	FACTS™ will assign party number.
Party Status	<ul style="list-style-type: none"> Enter “A” (active) and press ENTER.
Party Date (Default-current date)	<ul style="list-style-type: none"> ENTER through or delete and type correct date. Press ENTER.
Participant ID:	<ul style="list-style-type: none"> In this field, the user can enter a Participant ID number and tab. If the user does not have a Participant ID Number for the participant, press ENTER and the Party Name / Entry screen will pop up. (FIGURE: 3-2.2)

Figure 3-2.2: Participant Name Entry / Search



CAUTION | NO PUNCTUATION

- Do not enter punctuation of any kind when entering names.
- If a last name reads O'Neil, enter ONEIL.
- If last name is hyphenated, such as Griego-Martinez, enter GRIEGO MARTINEZ

TIP | SEARCHING

- If you have a name, search by date of birth or social security number.
- In the event there might be a misspelling, search by the first few letters of the first name and the entire last name.

**CAUTION** | POPULATED DATA

Please note that the data you enter in the Participant Name / Entry Search screen will appear on the New Participant Edit screen.

Person?	<ul style="list-style-type: none"> • Enter Y, if the Participant is a person. • Enter N, if the Participant is a business or governmental entity. • If the participant is a person, the cursor will move to the last name field, • If not, the cursor will move to the Full field.
Last:	<ul style="list-style-type: none"> • Enter the person's last name. • Press ENTER.
First:	<ul style="list-style-type: none"> • Enter the person's first name. • Press ENTER.
Middle:	<ul style="list-style-type: none"> • Enter the person's middle name or initial. • Press ENTER.
Suffix:	<ul style="list-style-type: none"> • This field supports the entry of suffixes such as: <ul style="list-style-type: none"> - JR - SR - III - MD - PHD etc. • Enter the suffix and press ENTER or • Press ENTER.
Identification:	Enter through this field.
Date of Birth:	Enter date of birth.

Full	<ul style="list-style-type: none"> • If the Participant is not a person, the cursor will automatically move to this field so you can enter the name of the business or state agency. • If the Participant is a person, FACTS™ will populate this field from the name data entered above.
Search Button	<ul style="list-style-type: none"> • For CR cases an attempt should be made to connect the defendant to an existing Participant ID. • Click on this button to search for an existing participant ID number for this defendant. • A message box may appear that states: "There are participant(s) on the system who match your criteria. Would you like to choose among them?" Click on the YES button.

**CAUTION | SEARCHING**

- Before you select an existing participant, verify that the date of birth social security number, etc. are the **SAME**.
- Otherwise, you will attach the participant you are currently entering with all the cases associated with the party you have chosen.

Create Button	<ul style="list-style-type: none"> • If there is no chance that this defendant is in the database, then click this button. • When this button is clicked, the New Participant Edit screen pops-up. (FIGURE: 3-2.4)
----------------------	--

Track 1

Participant Name	P	Part. ID	SSN	DL Number	St	DOB
SMITH BROOKE	Y	32169	987654321			06-29-1962
SMITH BROOKE	Y	32171				
SMITH BROOKE A	Y	32148	000334444			

Figure 3-2.3: Participant Search Results

Search Results

- Highlight the appropriate participant with the arrow keys.
- Press **ENTER** to select the matching participant.
- If search result is negative, FACTS™ defaults to the New Participant Edit screen. (FIGURE: 3-2.4)

Track 2

New Participant Person? Y

Last: SMITH DOB: 08-06-1970 Sex: F
 First: BROOKE Middle: Suffix: SSN: 123-45-6789
 Full: SMITH BROOKE Drivers License No.:
 Alternate ID's:

Address Information:
 Correspondence Address Type: PT Party Address Delivery Method: P Postal Service
 Current Address
 123 East Broadway
 Silver City, NH 88036
 (505) 555-4321

Edit

Continue

Figure 3-2.4: New Participant Edit

**CAUTION | POPULATED DATA**

- Please note that the data you entered on the Participant Name / Entry Search screen will appear on this screen in the appropriate fields and does not need to be reentered.
- You may **ENTER** through the fields already populated (filled-in).

Person:	<ul style="list-style-type: none"> Enter Y, if the Participant is a person Enter N, if the Participant is a governmental entity.
Last:	Enter the person's last name .
First	Enter the person's first name .
Middle:	Enter the person's middle name or initial .
Suffix:	This field supports the entry of suffixes such as: JR, SR, III, MD, PHD, etc.
DOB:	Enter Date of Birth.
Sex:	Enter F for female or M for male , if the data is available.
SSN:	Enter the participant's social security number , if the data is available.
Drivers License No.:	OPTIONAL -If you have a driver's license number, enter data.

The screenshot shows a software interface for editing a participant's address. At the top, it says '- Address Information:'. Below this, there are two dropdown menus: 'Correspondence Address Type:' and 'Delivery Method:'. The 'Correspondence Address Type' dropdown is set to 'PT Party Address' and the 'Delivery Method' dropdown is set to 'P Postal Service'. Below these is a text area labeled 'Current Address' containing the following text: '123 East Broadway', 'Silver City, NM 88036', and '(505) 555-4321'. To the right of the text area is an 'Edit' button. At the bottom right of the form is a 'Continue' button.

Figure 3-2.5: New Participant Edit

Correspondence Address Information:	<ul style="list-style-type: none"> Enter appropriate Correspondence Address Type from the list below. This indicates the address where notices are sent.
--	--

**CAUTION | CORRESPONDENCE ADDRESS TYPE**

DO NOT leave this field blank or any notices that are generated by FACTS™ and JAM 7 Forms and Reports will not have addresses.

CODE	DESCRIPTION	CODE	DESCRIPTION
AG	Attorney Address	HO	Home Address
BU	Business Address	PT	Party Address
EM	Employer Address	RL	Relative's Address

Delivery Method:	
Current Address Edit Button	<ul style="list-style-type: none"> Click on the EDIT button to type address information. The New Participant Address Entry / Edit will pop-up. (FIGURE: 3-2.6)



CAUTION | CURRENT ADDRESS

Please note the information indicated under Current Address is where notices get mailed.

Figure 3-2.6: New Participant Address Entry / Edit

Restricted:	Enter Y for yes, or N for no.
Line 1:/Line 2:	Enter the Participant's street address.
City:	Enter the Participant's city.
State:	Enter the Participant's state.
Zip Code:	Enter the Participant's zip code.
Business Phone:	Enter the Participant's Business Phone, if available.
Current From:	
Entry Date:	
Continue Button	<ul style="list-style-type: none"> Click on the CONTINUE button. FACTS™ will return you to the New Participant Edit screen. (FIGURE: 3-2.7)

Figure 3-2.7: New Participant Edit Screen.

Continue Button	<ul style="list-style-type: none"> Click on the CONTINUE button. FACTS™ will return you to the Party Names screen. (FIGURE: 3-2.8)
------------------------	---

Participant ID: ----- **Edit** SMITH BROOKE

Person? Y Last Name: SMITH

First: BROOKE Middle: Suffix: Full Name: SMITH BROOKE

Birth Date: 08-06-1970 Juvenile? N SSN: 123-45-6789

Height: Feet Inches Sex: F Weight: Lbs

Origin: Eye: Hair: Ending Date: - - Driver License: State: Edit

Date of Death: - - Filing Address: PT 1 Edit

Alias Name? N **Edit** Attorney? Y **Edit** Military?

In Custody? Security Required? Interpreter: Restricted?

Save This is a new party

Figure 3-2.8: Party Names

Participant ID:	<ul style="list-style-type: none"> • Tab twice. • As a result of tabbing, FACTS™ will fill in the name and personal information fields. • Enter through these fields or fill in the information if available.
Filing Address Edit Button	<ul style="list-style-type: none"> • If you have already entered the Participant Address, tab past this button or • If you want to edit the address or enter an address, click this button and the New Participant Address Entry/Edit screen will pop-up. • Follow the directions above to enter data.
Alias Name? Edit Button	<ul style="list-style-type: none"> • If answer is no, then tab past this button, • If answer is yes, then click the button and the Party Aliases screen will pop-up. (FIGURE: 3-2.9)

Party Aliases

Participant ID: Edit SMITH BROOKE

Alias Name	Alias Type	DBA	DOB
THIBODAUX BROOKE	F.K.A.	N	

Save Aliases

Doing Business As? N Last Name: THIBODAUX

First: BROOKE Middle: Suffix:

Full: THIBODAUX BROOKE

Birth Date: - - SSN:

Driver License No.: State:

Alias Type: F F.K.A. Done Editing

Figure 3-2.9: Party Aliases

	Press F2 key to add a new alias.
Doing Business As?	The field is not used in CR cases.
Last Name:	Enter the alias last name
First Name:	Enter the alias first name .
Middle Name:	Enter the alias middle name or initial if there is one.
Suffix:	Enter the alias suffix if there is one.
Full:	If the alias is a person, this field will populate automatically.
Birth Date:	Enter the alias birth date if one exists.
SSN:	Enter the alias social security number , if there is one.
Driver's License No.:	Enter the alias driver's license number , if there is one.
State:	Enter the state of the alias driver's license number.
Alias Type	Enter the appropriate code from the following table.

CODE	TYPE	DESCRIPTION
A	AKA	Also known as
F	FKA	Formerly known as
N	NKA	Now known as
O	OBO	On behalf of
X	Ex Rel	Ex relatione

DEFINITION(S) |**ex rel (ex relatione)**

By or on the information of; refers to information or action taken that is not based on first-hand experience but is based on the statement or account of another person. For example, a criminal charge "ex rel" simply means that the attorney general of a state is prosecuting on the basis of a statement of a person other than the attorney general himself (or herself.) For example, State ex rel CYFD.

The screenshot shows a software window titled "Party Aliases". At the top, it displays "Participant ID:" followed by an "Edit" button and the name "SMITH BROOKE". Below this is a table with columns for "Alias Name", "Alias Type", "DBA", and "DOB". The first row in the table contains "THIBODAUX BROOKE", "F.K.A.", "N", and a blank "DOB" field. Below the table is a "Save Aliases" button. Underneath the table is a form for "Doing Business As?" with a dropdown menu set to "N". The form includes fields for "Last Name: THIBODAUX", "First: BROOKE", "Middle:" (blank), and "Suffix:" (blank). The "Full:" field displays "THIBODAUX BROOKE". There are also fields for "Birth Date" (dash-dash), "SSN:" (blank), "Driver License No.:" (blank), and "State:" (blank). At the bottom, there is an "Alias Type:" dropdown set to "F" with "F.K.A." selected, and a "Done Editing" button.

Figure 3-2.10: Party Aliases

Done Editing Button	<ul style="list-style-type: none"> Click on the DONE EDITING button when you have entered ALL the data for that alias. Verify that the data entered on the grid is correct. Press F2 to enter another alias.
Save Alias Button	<ul style="list-style-type: none"> Click the SAVE ALIASES button to save the data. You will return to the Party Names screen. (FIGURE: 3-2.11)

Figure 3-2.11: Party Names

Alias Name? Edit Button	Tab past this button
Attorney? Edit Button	<ul style="list-style-type: none"> To add an attorney for this party, click this button. The Party Attorney Menu screen will pop-up. (FIGURE: 3-2.12)



Figure 3-2.12: Party Attorney Menu

Party Attorney Edit Button

- Click this button to enter a party attorney.
- The Party Attorney Edit screen will then pop-up. (FIGURE: 3-2.13)

Figure 3-2.13: Party Attorney Edit

Case Number	You MUST ENTER through this field.
Party Type	You MUST ENTER through this field.
Party Number	You MUST ENTER through this field.
Attorney Code	<ul style="list-style-type: none"> • Enter attorney code. • Press F1 for the attorney names and codes.

Attorney Code	Name	Bin No.
66052	NORMAN E. RUNYAN	

Figure 3-2.14: Attorney Select

TIP | FASTER SEARCHING

- Tab through the **ATTORNEY STARTING CODE** field.
- Type the attorney's last name in the **NAME TO SEARCH FOR:** field and press **ENTER**.
- Highlight the appropriate attorney with the arrow keys and press **ENTER**.

Figure 3-2.15: Party Attorney Edit

Attorney Type:

- Enter the appropriate code from the following list of choices:
- **PD** is the code for public defender.

ATTORNEY TYPES			
CA	Contract Attorney	PA	Private Attorney
CS	Special Assistant AG	PD	Public Defender
DA	District Attorney	SP	Special Prosecutor

Attorney Data	
Attorney Code:	66052 NORMAN E. RUNYAN
Attorney Type:	PD PUBLIC DEFENDER
Attorney Status:	<input type="checkbox"/> _____
Attorney Inactive (Y/N)?	<input type="checkbox"/> Party/Attorney Status Date: - -
Contact Attorney (Y/N)?	<input checked="" type="checkbox"/>
This is a new case	

Figure 3-2.16: Party Attorney Edit

Attorney Inactive (Y/N)?	
Party/Attorney Status Date.	
Contact Attorney(N)?	<ul style="list-style-type: none"> • Enter Y if notices are to be sent to this attorney or • N if nothing is to be sent to this attorney.
Press Enter Key	<ul style="list-style-type: none"> • Press ENTER, while cursor is in the Contact Attorney to save the data on this screen. • A Message box will pop-up that says: "GOOD JOB. DATA SAVED."
Enter Other Attorneys	<ul style="list-style-type: none"> • To enter another attorney, press the ESC key once to be taken to the top of the screen.
Go Back to Party Names Screen	<ul style="list-style-type: none"> • To exit the Attorney Names screen, press the ESC key twice. • You will return to the Party Attorney Menu screen. • To close this screen, press the ESC key or click on the "X" in the upper right-hand corner. • You will return to the Party Names screen. (FIGURE: 3-2.17)

**CAUTION | ESCAPE (ESC) KEY**

- Do not press the **ESC** key four times in a row from the Party Attorney Edit screen.
- You will lose the data you entered on the Party Names screen.

Party Names

Case Number: D 0608 CR 0200200035 STATE US. SMITH BROOKE

Party Type/No.: D 1 Party Status/Date: A 04-24-2002 ACTIVE

Participant ID: Edit SMITH BROOKE

Person? Y

Last Name: SMITH

First: BROOKE Middle: Suffix:

Full Name: SMITH BROOKE

Birth Date: 08-06-1970 Juvenile? N SSN: 123-45-6789

Height: Feet Inches Sex: F Weight: Lbs

Origin: Eye: Hair:

Ending Date: - - Driver License: State:

Date of Death: - - Filing Address: PT 1 Edit

Alias Name? N Edit Attorney? Y Edit Military?

In Custody? Security Required? Interpreter:

Restricted?

This is a new party

Figure 3-2.17: Party Names

Attorney Edit? Button	Tab past this button to continue.
Restricted?	Enter Y for yes if the case is sealed, or N for no.
Save Button	<ul style="list-style-type: none"> • Tab to SAVE button and click button. • A message box will pop-up saying that all the data has been saved. • Press ENTER or click OK.

**CAUTION | SAVE BUTTON**

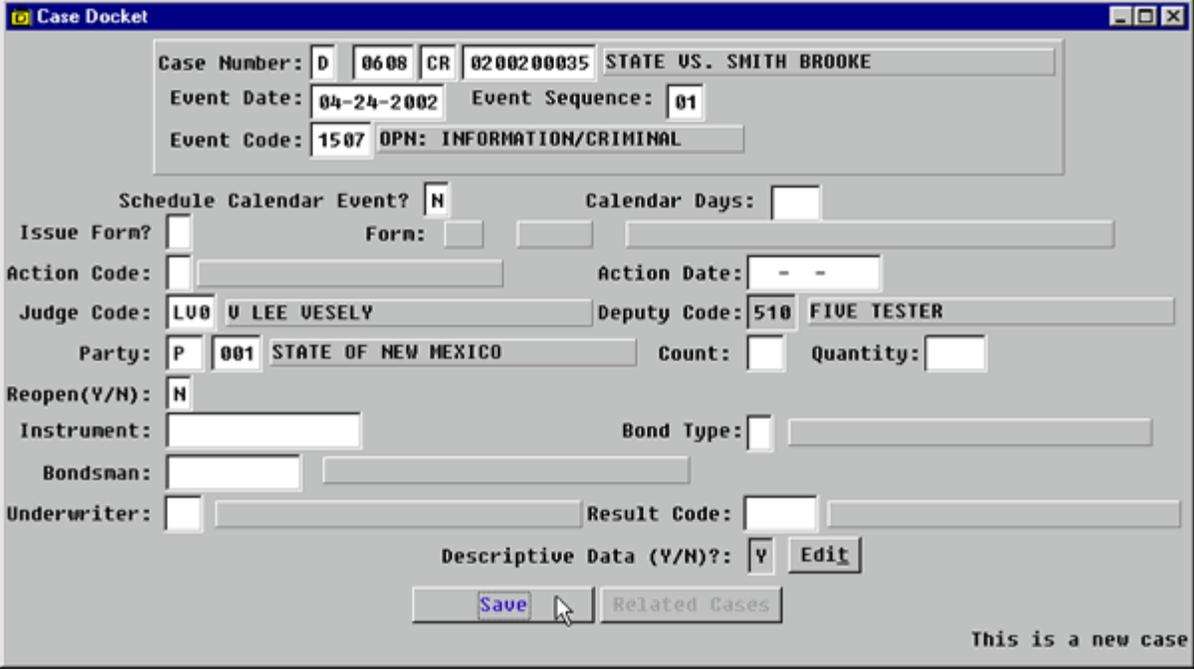
You **MUST** click on the **SAVE** button to save and properly attach all the data entered in this process.



Section 3-3: Docketing

Use the Case Docket screen to record events that occur in a case. These events record the progression of a case.

- **MAIN MENU** >
- **CASE MANAGEMENT** >
- **CASE DOCKET.** The Case Docket screen will appear. (FIGURE: 3-3.1) or
- Click on the **CASE DOCKET** button  on the toolbar at the top of the screen.



The screenshot shows the 'Case Docket' window with the following fields and values:

- Case Number: D 0608 CR 0200200035 STATE US. SMITH BROOKE
- Event Date: 04-24-2002 Event Sequence: 01
- Event Code: 1507 OPN: INFORMATION/CRIMINAL
- Schedule Calendar Event? N Calendar Days:
- Issue Form? Form:
- Action Code: Action Date: --
- Judge Code: LV0 V LEE VESELY Deputy Code: 510 FIVE TESTER
- Party: P 001 STATE OF NEW MEXICO Count: Quantity:
- Reopen(Y/N): N
- Instrument: Bond Type:
- Bondsman:
- Underwriter: Result Code:
- Descriptive Data (Y/N)? Y
-

This is a new case

Figure 3-3.1: Case Docket

FIELD NAMES	INSTRUCTIONS
Case Number: (Default-last case number you worked in)	Enter the data as follows if you start a new session or enter data from a different case.
Court	Enter D for District Court.
Location	Enter the four-digit court location code, for example, 0101, 0202.
Category	Enter category, CR or LR.
Number	Enter case number.
Event Date (Default-current date)	Enter file stamp date.

Case Docket

Case Number: D 0608 CR 0200200035 STATE US. SMITH BROOKE

Event Date: 04-24-2002 Event Sequence: 01

Event Code: 1507 OPN: INFORMATION/CRIMINAL

Schedule Calendar Event? N Calendar Days: []

Issue Form? [] Form: [] [] []

Action Code: [] Action Date: [- -]

Judge Code: LV0 V LEE VESELY Deputy Code: 510 FIVE TESTER

Party: P 001 STATE OF NEW MEXICO Count: [] Quantity: []

Reopen(Y/N): N

Instrument: [] Bond Type: [] []

Bondsman: [] []

Underwriter: [] [] Result Code: [] []

Descriptive Data (Y/N)?: Y Edit

Save Related Cases

This is a new case

Figure 3-3.2: Case Docket

Event Sequence	<ul style="list-style-type: none"> This field will default to the next sequence number or Press F1 for a list that has already been entered.
Event Code	Enter appropriate event code.
Schedule Calendar Event?	
Calendar Days:	
Issue Form:	
Action Code:	FACTS™ will input a default value based on the event code you entered.
Action Date:	
Judge Code:	<ul style="list-style-type: none"> Judge will default. Delete if another judge presided over event, and Enter correct judge.
Deputy Code: (Default-User login)	
Party	<ul style="list-style-type: none"> Enter Party type and number if event is party specific, such as a warrant. Press ENTER button.
Enter through other Fields	

Descriptive Data:

- Click on the **EDIT** button.
- The Event Description screen will pop-up. (FIGURE: 3-3.3)

Figure 3-3.3: Event Description

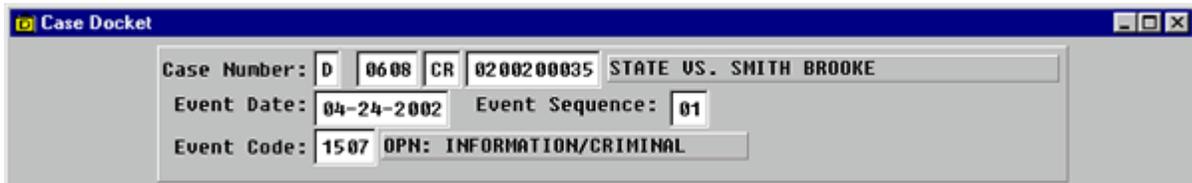
**CAUTION | DESCRIPTIVE TEXT**

- The text does not wrap to the next line.
- Press **ENTER** to go to the next line.
- Descriptive text varies from court to court.

Standard Description Code	<ul style="list-style-type: none"> • These are codes that correspond to event codes. • When they are entered, standard text that has been written by court personnel appears in the comments section of the screen. • You can edit the standard text or add to it.
	<ul style="list-style-type: none"> • ENTER until you reach the comments field and type in descriptive text. • Press CTRL T to save. • Press ENTER or click OK to exit out.

Figure 3-3.4: Case Docket

Save Button	<ul style="list-style-type: none"> • Tab to SAVE button. (FIGURE: 3-3.4) • Click button or press ENTER.
Message Box	<ul style="list-style-type: none"> • Click OK or press ENTER button to get the message box to disappear.



The screenshot shows a window titled "Case Docket" with a blue title bar and standard window controls. The main area contains a form with the following fields:

Case Number:	D	0608	CR	0200200035	STATE VS. SMITH BROOKE
Event Date:	04-24-2002	Event Sequence:	01		
Event Code:	1507	OPN:	INFORMATION/CRIMINAL		

Figure 3-3.5: Case Docket

Event Date:	<ul style="list-style-type: none">• The cursor will return to the event date field. (FIGURE: 3-3.5)• Shift tab to the case number to docket another event or• Shift tab twice to docket to another case or• Click on the "X" in the upper right-hand corner to exit the screen.
--------------------	--



Section 3-4: Entering Charges

- MAIN MENU >
 - CASE MANAGEMENT >
 - CRIMINAL DEFENDANT MENU >
 - CHARGE/DISPOSITION or (FIGURE: 3-4.1)
-
- SCREENS MENU >
 - CASE MANAGEMENT >
 - CRIMINAL DEFENDANT >
 - CHARGE/DISPOSITION. (FIGURE: 3-4.1)

The screenshot shows the 'Charge / Disposition' window with the following fields:

- Case Number: D 0608 CR 0200200035 STATE US. SMITH BROOKE
- Party: D 001 SMITH BROOKE Participant ID: 23779
- Party Status: A ACTIVE Status Date: 04-24-2002
- Officer: [Empty]
- Arrest Record: 1 Edit Arrest Record
- Citation Entry? N

Cn	Sq	Charge	Date	End Date	Description	T	I/F	CHN	R	Class	CT
1	1	66-8-102(D)	04-24-2002	- -	AGGRAVATED DWI/4TH OFFENSE	N	I			F4	
2	1	4.11	04-24-2002	- -	OPEN CONTAINER OF ALCOHOL IN P	N	I			M	
3	1	66-5-39	04-24-2002	- -	DRIVING WHILE LICENSE SUSPENDE	N	I			M	
4	1										

Offense Location: Count 5

This is a new case or party

Related Cases

Figure 3-4.1: Charge/Disposition



CAUTION | JUDGE

If judge is excused or a case is consolidated, change the judge in the Charge/Disposition screen.

FIELD NAMES	INSTRUCTIONS
Case Number: (Default-last case number you worked in)	Enter the data as follows if you start a new session or enter data from a different case.
Court	Enter D for District Court.

FIELD NAMES	INSTRUCTIONS
Location	Enter the four-digit court location code, for example, 0101, 0202.
Category	Enter category, CR.
Number	Enter case number.

Figure 3-4.2: Charge / Disposition

Party (Default-current date)	<ul style="list-style-type: none"> • Enter D 1 for a CR case. • Press ENTER. • Upon entry of D 1, data will populate the Participant ID, Party Status, and Status Date fields and advance the cursor to the Party Status field. • A message will pop up that says, “NO Defendant Record for Party ‘D 1’ found! Create Record (Y/N)?” • Default is yes, press ENTER or click on YES. Cursor will return to Party Status field.
Party Status	<ul style="list-style-type: none"> • FACTS™ will populate this field • Press ENTER to advance to the next field.
Status Date (Default-current date)	<ul style="list-style-type: none"> • Press ENTER or • delete and type in the correct date.
Officer	
(LEA) Agency	

Charge / Disposition

Case Number: D 0608 CR 0200200035 STATE US. SMITH BROOKE

Party: D 001 SMITH BROOKE Participant ID: 23779

Party Status: A ACTIVE Status Date: 04-24-2002

Officer: _____

Arrest Record: 1 Edit Arrest Record

Citation Entry? N

Cn	Sq	Charge	Date	End Date	Description	T	I/F	CHN	R	Class	CT
1	1	66-8-102(D)	04-24-2002	- -	AGGRAVATED DWI/4TH OFFENSE	N	I			F4	
2	1	4.11	04-24-2002	- -	OPEN CONTAINER OF ALCOHOL IN P	N	I			M	
3	1	66-5-39	04-24-2002	- -	DRIVING WHILE LICENSE SUSPENDE	N	I			M	
4	1										

Offense Location: Count 5

This is a new case or party

Related Cases

Figure 3-4.3: Charge / Disposition

<p>Count</p>	<ul style="list-style-type: none"> Each count is assigned a number. Sometimes a count will have alternatives or lesser included charges as part of that count. These carry the same count number but receive different sequence numbers (refer to the sequence section below). The system will default to the next count number. If this is correct, press ENTER or if a charge has alternatives or lesser included charges, (more than one sequence) delete the defaulted number and enter the appropriate charge number. Press ENTER.
<p>Sequence</p>	<ul style="list-style-type: none"> This field allows the entry of alternative and lesser included charges. When appropriate, you can enter many charges on each count. Each charge will be assigned a separate sequence number. The system will assign the sequence number based on the count field described above. Press ENTER.

Charge:

- Enter the statute number that the defendant is accused of breaking.
- If the statute number given does not exist in the FACTS™ charge table, press F1.
- A look-up table will pop-up.

The screenshot shows a window titled "Charge Code" with search criteria: Charge Starting Code (empty), Starting Date (empty), and Keyword to Search For (DWI). Below the search fields is a table of results.

Charge Code	Charge Description	From	To
30-11-01-RDI	2 MCA DWI TRANSFER TO DE NOVO	01-01-1875	01-01-1999
31-11-01-DWI	2 METRO COURT APPEAL DWI	01-01-1875	01-01-1999
66-8-101(A)(C)	HOMICIDE BY VEHICLE (DWI)	01-01-1875	12-31-2050
66-8-101(A)(C) A	ATT HOMICIDE BY VEHICLE (DWI)	01-01-1875	12-31-2050
66-8-101(A)(D)	HOMICIDE BY VEH- DWI/PRIOR DWI	01-01-1875	12-31-2050
66-8-101(A)(D) A	ATT HOMICIDE VEH (PRIOR DWI)	01-01-1875	12-31-2050

Figure 3-4.4: Charge Code

**CAUTION |**

- Never use transfer codes.
- These codes are indicated by the expired date in the "To" field.

FACTS™ provides three search criteria.

- Charge Starting Code,
- Starting Date, and
- Keyword to Search For

Charge Starting Code:

- FACTS™ provides three search criteria.
- You may enter a range of statute numbers.
- Make your choice on the statute number listed on the petition.

Starting Date:

- This option refers to the date the statute went into effect.
- Enter through these fields.

Keyword to Search For:

Enter a keyword(s) which describes the crime, for example, "DWI" and all the charges that have the word "DWI" in their description field will pop up. (FIGURE: 3-4.4)


CAUTION | KEYWORD SEARCH

- Sometimes a word may be misspelled or abbreviated in the charge description table.
- Try partial spellings of a word. (FIGURE: 3-4.4)

Selecting

- Use the down arrow to scroll through the list and press **ENTER** to select the charge.
- After selecting a charge, FACTS™ will return you to the Charge/Disposition screen. (FIGURE: 3-4.5)

Charge / Disposition

Case Number: D 0608 CR 0200200035 STATE US. SMITH BROOKE

Party: D 001 SMITH BROOKE Participant ID: 23779

Party Status: A ACTIVE Status Date: 04-24-2002

Officer: []

Arrest Record: 1 Edit Arrest Record

Citation Entry? N

Cn	Sq	Charge	Date	End Date	Description	T	I/F	CHN	R	Class	CT
1	1	66-8-102(D)	04-24-2002	- -	AGGRAVATED DWI/4TH OFFENSE	N	I			F4	
2	1	4.11	04-24-2002	- -	OPEN CONTAINER OF ALCOHOL IN P	N	I			M	
3	1	66-5-39	04-24-2002	- -	DRIVING WHILE LICENSE SUSPENDE	N	I			M	
4	1										

Offense Location: Count 5

This is a new case or party

Related Cases

Figure 3-4.5: Charge / Disposition

Date	<ul style="list-style-type: none"> • Enter the date the offense was allegedly committed. • Press ENTER.
End Date (Default-current date)	<ul style="list-style-type: none"> • Delete current date. • Press ENTER.
Description	FACTS™ will populate this field using the description of the charge that is found in the charge table.
T.(Text)	

I/F (Initial/Final)	<ul style="list-style-type: none"> • Enter an "I" (for initial) on each count and change them to "F" (for Final) when the disposition of the case is received. • Press ENTER. • Final counts will not be designated at time of indictment. • It is likely that the case will be plead and the final counts will be determined as part of the plea.
CHN (Count Amended/New)	
Reduction Flag	
Class	<ul style="list-style-type: none"> • FACTS™ will populate this field if there is an entry in the charge table; however, some charges can be more than one class depending upon the circumstances of the crime. • The class designation for these charges can be manually entered if it is clear in the petition or grand jury indictment what class the charge is, otherwise enter through this field. • Press ENTER.
Additional Charges	<ul style="list-style-type: none"> • If there are additional charges, then enter through the remaining fields to get back to the Count field column.
Saving	If there is no more data to enter, press CTRL T to save.



Section 3-5: (Optional) Closing the Charge Disposition Screen

- MAIN MENU >
- CASE MANAGEMENT >
- CRIMINAL DEFENDANT MENU >
- CHARGE/DISPOSITION, (FIGURE: 3-5.1) or

- SCREENS MENU >
- CASE MANAGEMENT >
- CRIMINAL DEFENDANT >
- CHARGE/DISPOSITION. (FIGURE: 3-5.1)

The screenshot shows a software window titled "Charge / Disposition". It contains several input fields and a table. The fields are: Case Number (D 0608 CR 0200200035 STATE US. SMITH BROOKE), Party (D 001 SMITH BROOKE), Participant ID (23779), Party Status (ACTIVE), Status Date (04-24-2002), Officer (empty), Arrest Record (1), and Citation Entry? (checkbox). The table below has columns: Cn, Sq, Charge, Date, End Date, Description, T, I/F, CHN/R, Class, CT. It lists three charges: 1. 66-8-102(D) AGGRAVATED DWI/4TH OFFENSE, 2. 4.11 OPEN CONTAINER OF ALCOHOL IN P, and 3. 66-5-39 DRIVING WHILE LICENSE SUSPENDE. At the bottom, it shows "Offense Location: Count 1" and "Updated 04/24/2002 By test5 At 11:10".

Cn	Sq	Charge	Date	End Date	Description	T	I/F	CHN/R	Class	CT
1	1	66-8-102(D)	04-24-2002		AGGRAVATED DWI/4TH OFFENSE	N	I		F4	
2	1	4.11	04-24-2002		OPEN CONTAINER OF ALCOHOL IN P	N	I		M	
3	1	66-5-39	04-24-2002		DRIVING WHILE LICENSE SUSPENDE	N	I		M	

Figure 3-5.1: Charge/Disposition

FIELD NAMES	INSTRUCTIONS
Case Number: (Default-last case number you worked in)	Enter the data as follows if you start a new session or enter data from a different case.
Court	Enter D for District Court.
Location	Enter the four-digit court location code, for example, 0101, 0202.
Category	Enter category, CR.
Number	Enter case number.

FIELD NAMES	INSTRUCTIONS
Party	<ul style="list-style-type: none">• Enter the party type (D) and press ENTER if needed.• Then enter the party number and press ENTER.• FACTS™ will populate the screen with the name of the party.
I/F Column	<ul style="list-style-type: none">• ENTER through to the I/F column and enter an F (Final) for each charge that the judge has sentenced.
Saving	<ul style="list-style-type: none">• Press CTRL T to save• One or several boxes will pop-up in succession.• Press ENTER or click on OK for each box.• Please note the box that says that the data has been saved.
Close the Screen	<ul style="list-style-type: none">• Close this screen by pressing the ESC button or by clicking on the “X” in the right-hand corner.



Section 3-6: Criminal Sentencing

- FACTS™ may return you to the **CRIMINAL DEFENDANT** menu.
- Click on the **SENTENCING/DISPOSITION** button.
- The **Sentencing by Count** screen will pop-up (FIGURE: 3-6.1), or
- Go to the **SCREENS MENU >**
- **CASE MANAGEMENT >**
- **CRIMINAL DEFENDANT >**
- **SENTENCE/DISPOSITION.** (FIGURE: 3-6.1)

Sentencing by Count

Case Number: STATE US. SMITH BROOKE

Party Type: Party Number: SMITH BROOKE

Participant ID:

Party Status: CLOSED Status Date:

Case Judge Code: Docket Date:

Count	Seq	Charge	Sentence	Description	Date
1	1	66-8-102(D)(G)	R	PRISON	04-25-2002
2	1	4.11			04-25-2002
3	1	66-5-39	R	PRISON	04-25-2002

Updated 04/25/2002 By test5 At 13:17

Figure 3-6.1: Sentencing by Count

<p>Case Number: (Default-case no. entered in Charge/Disposition Screen)</p>	<ul style="list-style-type: none"> • Either ENTER through or • Change it to the appropriate case number.
<p>Party Type:</p>	<ul style="list-style-type: none"> • Enter the party type, D for criminal cases and press ENTER. • Enter the party number and press ENTER. • FACTS™ will populate the screen with the party name.

Sentencing by Count

Case Number: STATE US. SMITH BROOKE

Party Type: Party Number: SMITH BROOKE

Participant ID:

Party Status: CLOSED Status Date:

Case Judge Code: Docket Date:

Count	Seq	Charge	Sentence	Description	Date
1	1	66-8-102(D)(G)	R	PRISON	04-25-2002
2	1	4.11			04-25-2002
3	1	66-5-39	R	PRISON	04-25-2002

Updated 04/25/2002 By test5 At 13:17

Figure 3-6.2: Sentencing by Count

Party Status:	Change the party status to "C" for closed and press ENTER .
Status Date:	Enter the date of the sentencing hearing and press ENTER .
Docket Date:	Enter the file stamp date from the J & S and press ENTER .
Sentence:	<ul style="list-style-type: none"> Enter only the most SEVERE part of the sentence. Press F1 to view a complete list of sentencing codes. Enter the one-letter sentence code and ENTER, or Press ENTER to enter through this field.

**CAUTION | SENTENCE**

If the charge was nolle prosequied, acquitted or dismissed, do not enter anything in this column.

SENTENCE CODES BY SEVERITY			
R	Prison (most severe)	F	Fines
J	Jail	E	Fees
P	Suspended	S	Restitution
T	Deferred	C	Community Service
B	Probation	O	Other (least severe)

Sentencing by Count

Case Number: STATE US. SMITH BROOKE

Party Type: Party Number: SMITH BROOKE

Participant ID:

Party Status: CLOSED Status Date:

Case Judge Code: Docket Date:

Count	Seq	Charge	Sentence	Description	Date
1	1	66-8-102(D)(G)	R	PRISON	04-25-2002
2	1	4.11			04-25-2002
3	1	66-5-39	R	PRISON	04-25-2002

Updated 04/25/2002 By test5 At 13:17

Figure 3-6.3: Sentencing by Count

Description (Default-description of plea code)	
Date	Enter the date of the sentencing hearing.
Sentence End Date	
Jdg (Default-assigned judge 3-character judge code)	<ul style="list-style-type: none"> Either ENTER through or Delete and enter the 3-character judge code of the judge who presided over the Sentencing Hearing and ENTER.
Plea	If the J & S resulted from a plea, then enter the type of plea from the following list and ENTER .

C	No Contest
G	Guilty
NG	Not Guilty

Sentencing by Count

Case Number: **D 0608 CR 0200200035** STATE US. SMITH BROOKE

Party Type: **D** Party Number: **001** SMITH BROOKE

Participant ID: **23779**

Party Status: **C** CLOSED Status Date: **04-25-2002**

Case Judge Code: **LV0 U LEE UESELY** Docket Date: **04-25-2002**

Count	Seq	Charge	Sentence	Description	Date
1	1	66-8-102(D)(G)	R	PRISON	04-25-2002
2	1	4.11			04-25-2002
3	1	66-5-39	R	PRISON	04-25-2002

Updated 04/25/2002 By test5 At 13:17

[Related Cases](#)

Description

(Default-description of plea code)

Date

Enter the plea date and press **ENTER**. (This date is usually provided on the Judgment and Sentence, but if it is not research this date by checking the Register of Actions for case.)

Disp

- All final counts require a disposition even if the defendant is not sentenced on the count.
- Enter the disposition code for this charge from the following table and press **ENTER**.

BF	Bail Forfeiture	GT	Guilty Plea During Non-jury Trial
BO	Bindover	JA	Jury Acquitted
CD	Consent Decree	JC	Jury Conviction

DB	Dismiss Before Trial	JM	Jury Guilty Mentally Ill
DJ	Dismissed During Jury Trial	JT	Jury Trial
DL	Dismissed - No Prosecution	NA	Non-Jury Acquitted
DO	Dismissed Before Trial Without Prejudice	NC	Non-jury Conviction
DR	Deferred	NM	Non-Jury Guilty, Mentally Ill
DS	Dismissed	NP	Nolle Prosequi
DT	Dismissed During Non-Jury Trial	NT	Non-Jury Trial
DV	Directed Verdict	OD	Other Disposition
DW	Dismiss Before Trial With Prejudice	RL	Reduce To Lesser Charge
GJ	Guilty Plea During Jury Trial	RM	Remand To Lower Court
GP	Guilty Plea/Nolo Contendere	TF	Transferred


CAUTION | DISPOSITION CODE

- The disposition code you enter should be compatible with the sentencing and closing event.
- Use the correct disposition code pursuant to data standards.

Description:
(Default-description of disposition code)
Date:

- Enter the file stamp date of the Judgment and Sentence and press **ENTER**.
- You have entered all of the data for the first charge.
- The cursor will be in the sentence field.
- Enter sentencing data for each charge that the defendant was adjudicated guilty.
- After completing data entry, press **CTRL T** to save.

Saved Data Message Box

- A message box will appear verifying that the data has been saved.
- Press **ENTER** or click on **OK**.
- The **Count Selection** screen will pop-up. [\(FIGURE: 3-6.4\)](#)

	<ul style="list-style-type: none"> Use the Category Selection screen to go to the Sentencing screen for the current charge. Press ENTER or click on the FINANCIAL button to go to the Financial Assessments screen. (FIGURE: 3-6.9)
	<ul style="list-style-type: none"> Answer NO to the questions on the following three screens: <ul style="list-style-type: none"> Proof of correction (Y/N)? (FIGURE: 3-6.7) Search for prior charge (Y/N)? (FIGURE: 3-6.6) Is the fine amount current (Y/N)? (FIGURE: 3-6.8) New Mexico does not use these functions.



Figure 3-6.6: Prior Charges

Search for Prior Charge (Y/N)? (FIGURE: 3-6.6)	Click on No.
---	--------------

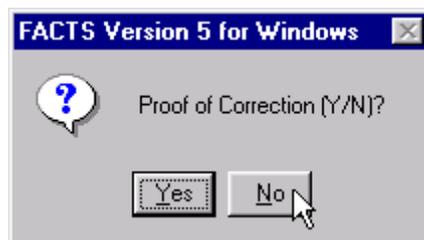


Figure 3-6.7: Proof of Correction

Proof of Correction (Y/N)? (FIGURE: 3-6.7)	Click on No.
---	--------------

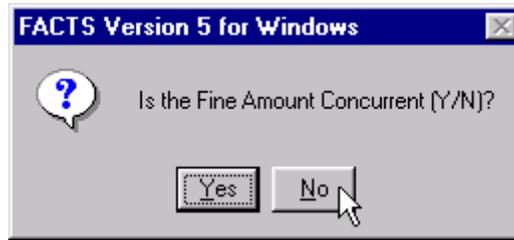


Figure 3-6.8: Fine Amount

**Is the Fine Amount
Current (Y/N)?**
(FIGURE: 3-6.8)

Click on No.



CAUTION | MANDATORY FINES AND FEES

- If the charge has mandatory fines or fees attached to it, FACTS™ will populate the **Financial Assessments** screen. (FIGURE: 3-6.9)
- If the fine and/or fee is not assessed on the J & S, delete the default data and zero it out.
- Otherwise, the financial assessments will not reconcile.

In Lieu Of										
Cd	Obligation	Amount	C	W	S	Sup. Amount	I	AR	Hours	Days
FN	FINE	\$300.00			N					
BI	BRAIN INJURY FUND	\$5.00			N					
CF	CORRECTION FEE	\$10.00			N					
AF	AUTOMATION FEE	\$10.00			N					
DL	DWI LAB FEE	\$65.00			N					
TF	TRAFFIC SAFETY FEE	\$3.00			N					
DP	DWI PREVENTION FEE	\$75.00			N					
JE	JUDICIAL EDUC. FEE	\$1.00			N					

Figure 3-6.9: Financial Assessments



CAUTION | DISTRICT FEES

Follow in-house procedure regarding the collection of fines and fees that are only collected in District Courts.

Code	<ul style="list-style-type: none"> If a fine is not assessed, delete FN from Cd field on the Financial Assessments screen and use one of the following codes.
-------------	---


CAUTION | F1 LOOKUP KEY

In this instance, using the **F1** key will result in **ALL** the receivable types for the judiciary not just the sentencing codes.

AF	Automation Fee	DA	DNA Identification
BI	Brain Injury Fund	DL	DWI Lab Fee
BW	Bench Warrant Fee	DP	DWI Prevention Fee
CC	Criminal Court Costs	FN	Fine
CF	Correction Fee		

Obligation Default -description of code	
Amount	Enter the amount of the obligation in dollars and cents.
C (Concurrent Amount)	<ul style="list-style-type: none"> To flag a receivable as Non-Collectible, enter an R in the C. column. When the user enters an R in the C column, FACTS™ will designate that receivable as non-collectible. The receivable will write to the Register of Actions (ROA) and show in the Financial Sentencing Summary, but the receivable will not pull up in Automatic Allocation Receipting. The receivables will post the same as receivables flagged concurrent are posted, with the exception of the event description. The event description of the receivable written to the ROA will have the words “Non-Collectible” added after the rest of the standard description.
Waive this obligation	New Mexico does not use this function.

S (Suspended?)	If the judge has suspended all or a portion of the obligation, enter Y for yes; otherwise, enter N for no.
Sup. Amount.	If a Y was entered in the S field, you MUST enter the amount that has been suspended in this column or enter through this field.
(In Lieu Of)	New Mexico does not use this function.
AR	
Hours	
Days	
Saving	<ul style="list-style-type: none"> • After entering all the financial obligations, press CTRL T to save. • A box will appear containing a message verifying that the data has been saved. • Press ENTER or click OK to close the Financial Assessments screen and return to the Category Selection screen. (FIGURE: 3-6.10)

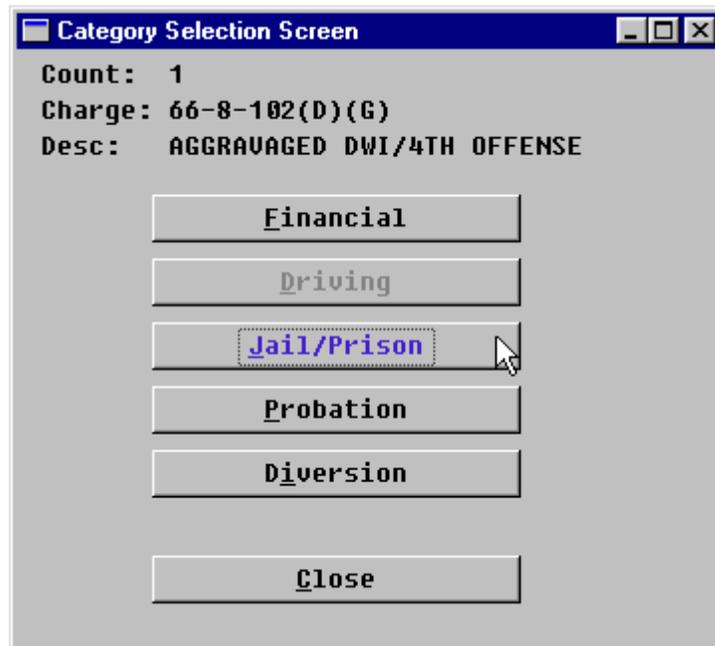


Figure 3-6.10: Category Selection Screen

Jail/Prison	If the J & S includes jail or prison time, click on the JAIL/PRISON button and the Jail/Prison Assessments screen will pop-up. (FIGURE: 3-6.11)
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Jail/Prison Assessments

Charge: 66-5-39 DRIVE W/SUSPEND REVOKD LICENSE Class: H

Obligation: JP More

Obligation: JP JAIL PRISON

Jail		Sentenced			Credit			Served			C	S	I		
Agency	Agency Name	C	L	Yr.	Mo.	Day	Yr.	Mo.	Day	Yr.	Mo.	Day	C	S	I
DOC00	DEPARTMENT OF CORRECTIONS	J		0	0	7	0	0	0	0	0	0	Y	H	

Figure 3-6.11: Jail/Prison Assessments

Agency	<ul style="list-style-type: none"> In the Jail/Prison Assessments screen, enter the code of the jail or prison to which the defendant is to be sent, such as, DOC00 for Department of Corrections. Press the F1 key for a lookup table.
Agency Name (Default - agency name of agency code)	
C. (Confinement Code).	Enter J for jail or P for prison.
L. (Life Sentence?).	Enter Y for yes and N for no.
Sentenced Yr. (Year).	If the jail/prison time is expressed in years, enter that number here.
Sentenced Mo.	If the jail/prison time is expressed in months, enter that number here.

Sentenced Day	If the jail/prison time is expressed in days, enter that number here.
Jail or Prison Time Suspended	If part of the jail/prison time has been suspended and the suspended time is expressed in years, months or days, enter that number in the appropriate field(s) below:
Credit Yr.	If applicable, enter the number of years the sentence was suspended.
Credit Mo.	If applicable, enter the number of months the sentence was suspended.
Credit Days	If applicable, enter the number of days the sentence was suspended.
Served Yr.	
Served Mo.	
Served Day	Enter the pre-sentence confinement credit in this field because pre-sentence confinement is only expressed in days.


CAUTION | C. (CONCURRENT) FIELD

DO NOT enter **Y** in the **C. (Concurrent)** field for the charge with the greatest amount of jail/prison time; otherwise, FACTS™ incorrectly calculates the sentencing.

C. (Concurrent).	Is this sentence concurrent to the jail/prison sentence corresponding to another charge. Enter Y for yes or N for no.
S.(Suspended).	ONLY if the entire sentence has been suspended, enter Y for yes.
I. (In Lieu of).	New Mexico does not use this function.

Saving

- After entering all the Jail/Prison obligations, press **CTRL T** to save.
- The message box will verify that the data has been saved.
- Press **ENTER** or click **OK**.
- Close the **Jail/Prison Assessments** screen by pressing the **ESC** key or by clicking the “**X**” in the upper right-hand corner of the screen.
- You will return to the **Category Selection** screen. (FIGURE: 3-6.12)

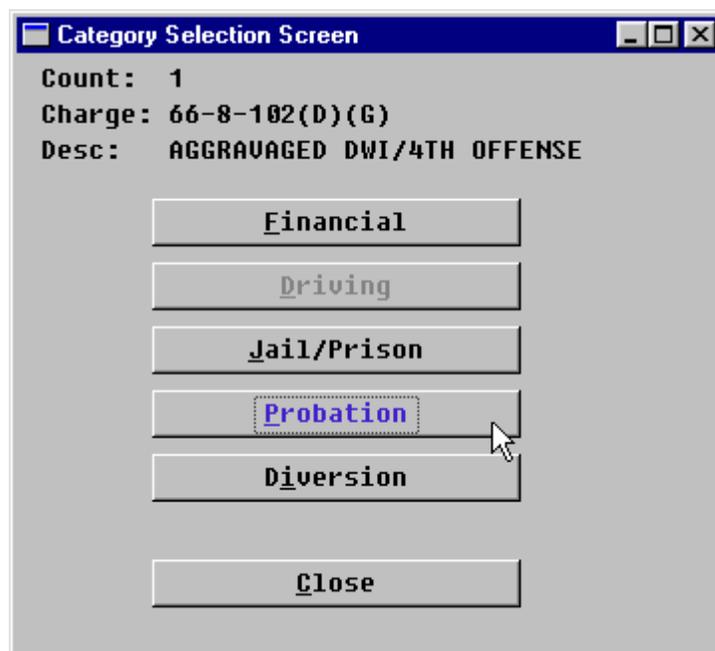


Figure 3-6.12: Category Selection Screen

- If the J & S includes probation time, click on the **PROBATION** button.
- The **Probation Assessments** screen will pop-up. (FIGURE: 3-6.13)

Charge: 66-8-102(D)(G) AGGRAVATED DWI/4TH OFFENSE Class: F4

Obligation: PR

Obligation: PR PROBATION

Agency	Probation Agency Name	T	L	Sentence			Served			Own	
				Yr	Mo	Day	Yr	Mo	Day	CR	-
APO	ADULT PROBATION & PAROLE DEPT.	S		0	12	0	0	0	0		

More Obligations

Figure 3-6.13: Probation Assessments

Fill out the **Probation Assessments** screen in the following manner:

Obligation:

Default (Default - PR for probation).

Agency

Enter APO for Adult Probation and Parole Department.

Probation Agency Name

(Default - Agency name of agency code).

T (Type of Probation).

- Enter **I** for intensive,
- **S** for supervised, or
- **U** for unsupervised.

L (Life)

Sentence Yr

If applicable, enter the number of years here.

Sentence Mo

If applicable, enter the number of months here.

Sentence Day

If applicable, enter the number of days here.



CAUTION | PRE-SENTENCE CONFINEMENT

- If the sentence contains probation and no jail/prison time, then credit for pre-sentence confinement is recorded in the **Served Day** field.
- Pre-sentence confinement credit is usually given in days; thus, you may never use the Served Yr. and Served Mo. fields.

Served Yr	
Served Mo	
Served Day	When the sentence does not include jail/prison time, enter the amount of pre-sentence credit given in days.
C. (Concurrent).	<ul style="list-style-type: none"> • Is this sentence concurrent to the probation sentence corresponding to another charge? • Enter Y for yes or N for no.



CAUTION | C. (CONCURRENT) FIELD

DO NOT enter **Y** in the **C. (Concurrent)** field for the charge with the greatest amount of jail/prison time; otherwise, FACTS™ incorrectly calculates the sentencing.

Own R. (Recognizance)	Do not use this field.
Saving	<ul style="list-style-type: none"> • After entering all the probation obligations, press CTRL T to save. • At the message box verifying that the data has been saved, press ENTER or click OK. • Close the Probation Assessments screen by pressing the ESC key or by clicking the “X” in the upper right-hand corner of the screen. • You will return to the Category Selection screen. (FIGURE: 3-6.14)

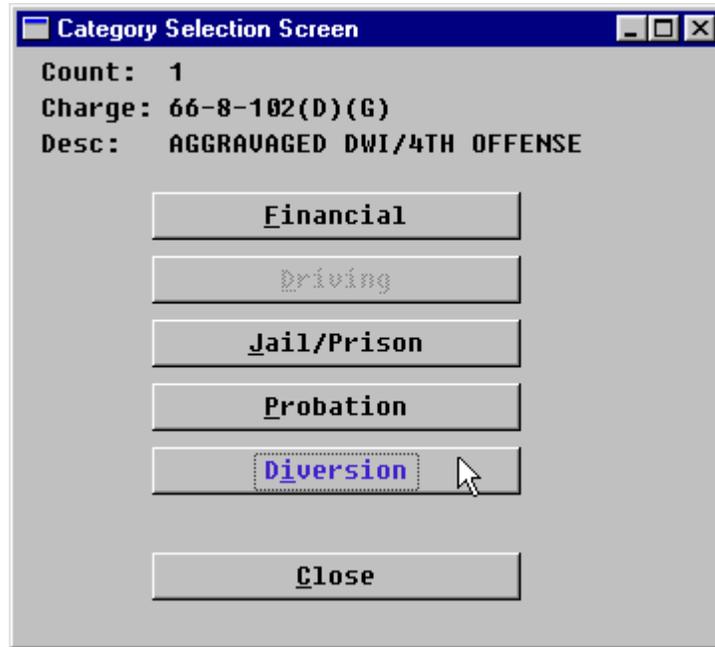


Figure 3-6.14: Category Selection Screen

- If the J & S includes Community Service time, then click on the **DIVERSION** button.
- The **Diversion Assessments** screen will pop-up. (FIGURE: 3-6.15)

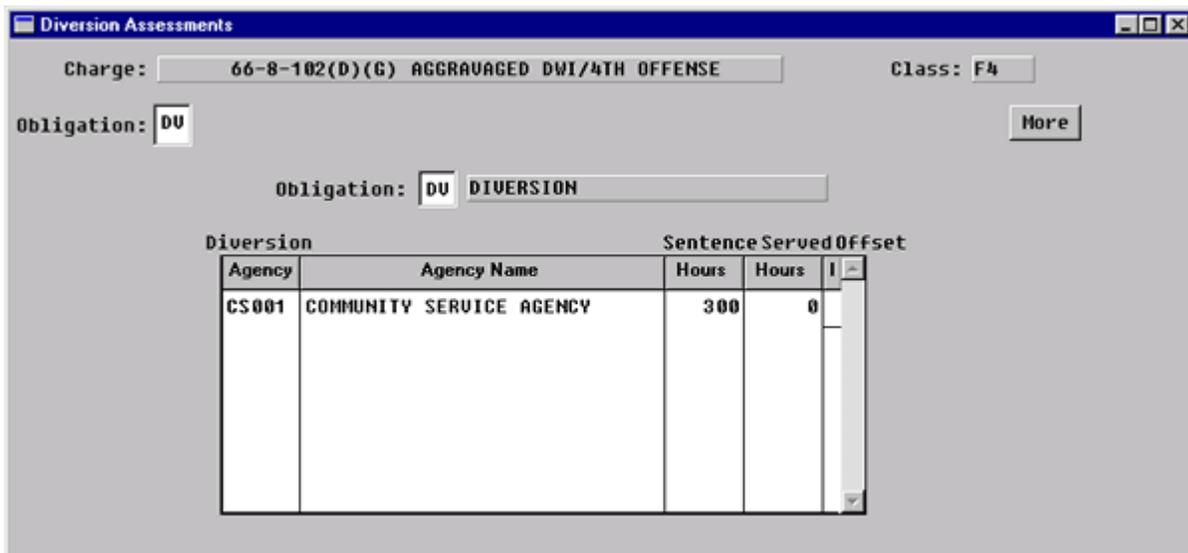


Figure 3-6.15: Diversion Assessments

Obligation:	<ul style="list-style-type: none"> Fill out the Diversions Assessments screen in the following manner: This field defaults to "DV" for Diversion.
Agency	Enter CS 001 for Community Service.
Agency Name (Default Agency name form agency code)	
Sentence Hours	Enter the number of hours of community service in the defendant's sentence.
Served Hours	When it is reported to the court, enter the number of community service hours the defendant has fulfilled.
Offset I (In Lieu Of).	Not used in New Mexico
Saving	<ul style="list-style-type: none"> After entering all the diversion obligations, press CTRL T to save. At the message box verifying that the data has been saved, press ENTER or click OK. Close the Diversions Assessments screen by pressing the ESC key or by clicking the "X" in the upper right-hand corner of the screen. You will return to the Category Selection screen. (FIGURE: 3-6.16)

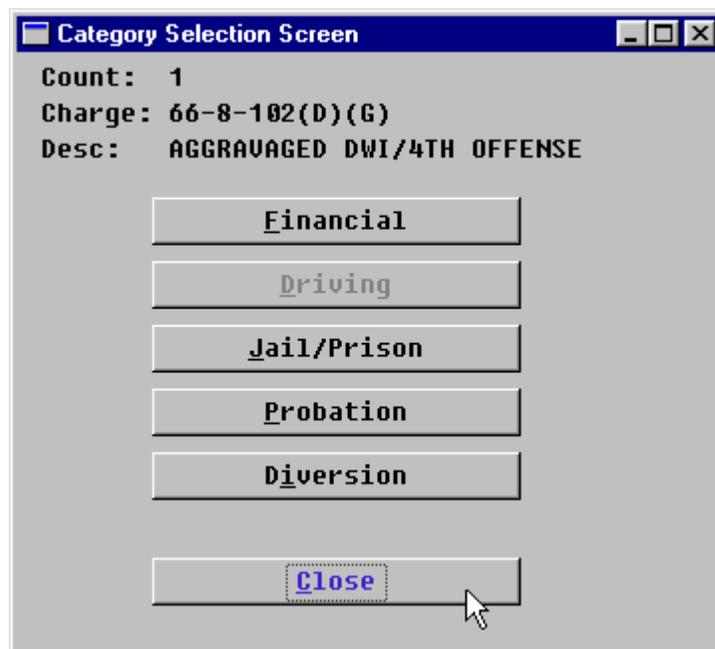


Figure 3-6.16: Category Selection Screen


CAUTION | SAVING SUMMARY DATA

- You **MUST** enter **CTRL T** to save the data in each of the summary screens.
- At the message box verifying that the data has been saved, press **ENTER** or click **OK**.
- FACTS™ will close the summary screen and return the user to the **Sentencing Summary-Category Selection** screen.
- Please note that the directions differ slightly for the **Probation Summary** and **Diversion Summary** screens.

- To summarize the sentencing, select each of the categories that make up the Defendant's sentence by clicking on that button.
- Begin with the Financial button.
- After you click the **FINANCIAL** button, the **Financial Summary** screen will pop-up.
(FIGURE: 3-6.19)

Obligations		One Time Only Payment		I	AR	Total Hours	Total Days
Code	Description	Total Amount	Due Date				
FN	FINE	\$300.00	- -				
DP	DWI PREVENTION FEE	\$75.00	- -				
DL	DWI LAB FEE	\$65.00	- -				
AF	AUTOMATION FEE	\$10.00	- -				
CF	CORRECTION FEE	\$10.00	- -				
BI	BRAIN INJURY FUND	\$5.00	- -				
TF	TRAFFIC SAFETY FEE	\$3.00	- -				
JE	JUDICIAL EDUC. FEE	\$1.00	- -				
Totals:		\$469.00					

Figure 3-6.19: Financial Summary


CAUTION | CHECK TOTALS

- Verify the total is correct.
- **DO NOT** press **CTRL T** if the total is not correct.
- Escape out of the Financial Summary screen and correct the error.

CTRL T	<ul style="list-style-type: none">• The Financial Summary screen will contain all the financial assessments that you have entered for this case.• A total will appear at the bottom of the screen.• Save the data by pressing CTRL T and then press ENTER or click OK on the message box that indicates the data has been saved.
	<ul style="list-style-type: none">• At the Sentence Summary screen, click the JAIL/PRISON button. The Jail/Prison Summary screen will pop-up.

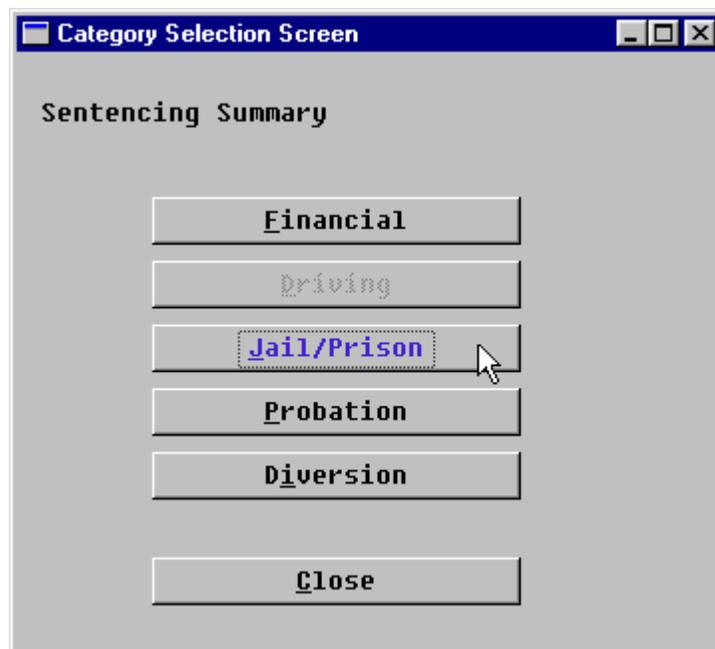


Figure 3-6.20: Jail/Prison Button

Figure 3-6.21: Jail/Prison Summary

	<ul style="list-style-type: none"> For the question, “Execution of Sentence Suspend Pending Outcome of Probation? Yes/No,” answer NO.
	<ul style="list-style-type: none"> The Jail/Prison Summary screen will contain the total of the jail/prison assessments that you have entered for this case.
Commence	<ul style="list-style-type: none"> Press ENTER.

**CAUTION | CHECK TOTALS**

- Verify the total is correct.
- DO NOT** press **CTRL T** if the total is not correct.
- Escape out of the Jail/Prison Summary screen and correct the error.

CTRL T	<ul style="list-style-type: none"> Save the data by pressing CTRL T and then press ENTER or click OK on the message box that indicates the data has been saved. FACTS™ will return the user to the Sentence Summary screen.
	<ul style="list-style-type: none"> At the Sentence Summary screen, click the PROBATION button. (FIGURE: 3-6.22) The Probation Summary screen will pop-up. (FIGURE: 3-6.23)

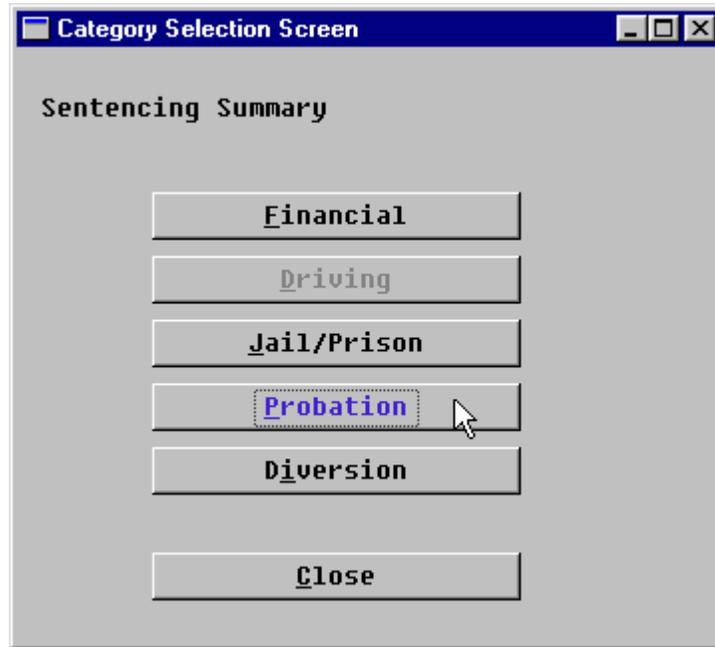


Figure 3-6.22: Probation Button

Probation		Sentence								
Code	Agency Name	J	L	Year	Mth	Day	C	Commence	End	Due Date
APO	ADULT PROBATION & PAROLE DEPT.			0	12	0		- -	- -	- -
								- -	- -	- -
								- -	- -	- -
								- -	- -	- -
								- -	- -	- -
Totals:				0	12	0				

Figure 3-6.23: Probation Summary

Obligation. (Default-PR Probation)	<ul style="list-style-type: none"> The Probation Summary screen will display the total probation time the defendant has been sentenced to in this case. Fill out the Probation Summary screen in the following manner:
Probation Officer.	New Mexico does not use this function.
J. (Jurisdiction Code).	New Mexico does not use this function.
C. (Probation Conditions).	New Mexico does not use this function.

**CAUTION | CHECK TOTALS**

- Verify the total is correct.
- **DO NOT** press **CTRL T** if the total is not correct.
- Escape out of the Probation Summary screen and correct the error.

Saving

- Save the data by pressing **CTRL T** and then press **ENTER** or click **OK** on the message box that indicates the data has been saved.
- Close the **Probation Summary** screen by pressing the **ESC** key or by clicking the “**X**” in the upper right-hand corner of the screen.
- **FACTS™** will return you to the **Sentence Summary** screen.

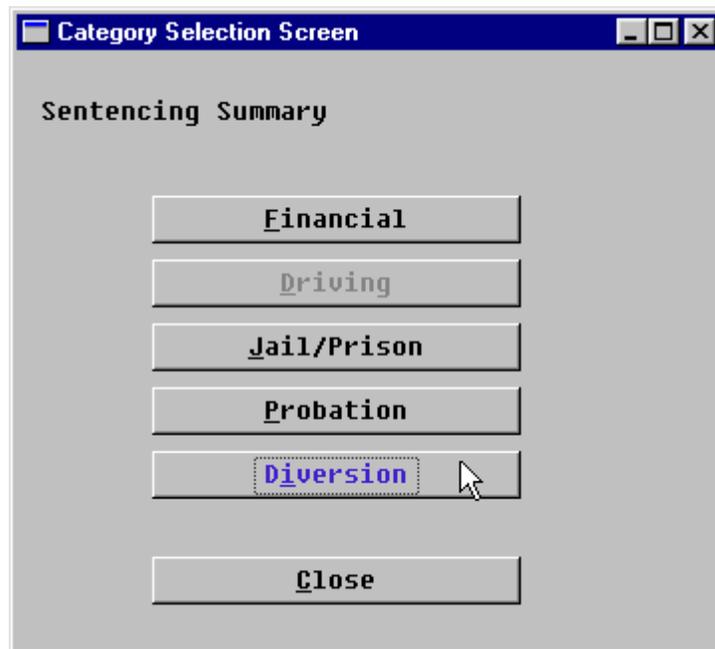


Figure 3-6.24: Diversion Button

- Next click the **DIVERSION** button. (FIGURE: 3-6.24)
- The **Diversion Summary** screen will pop-up. (FIGURE: 3-6.25)

Diversion Summary

Obligation: DV

Obligation: DV DIVERSION

Code	Agency Name	Hours	Commence	End	Due Date
CS001	COMMUNITY SERVICE AGENCY	300	--	--	--

Totals: 300

Save Save & Exit

Figure 3-6.25: Diversion Summary

	<ul style="list-style-type: none"> The Diversion Summary screen will contain the total of the Community Service hours that have been assessed to the defendant in this case. The total will appear at the bottom of the screen. In this example, the defendant has been sentenced to 300 hours of community service.
Obligation.	<ul style="list-style-type: none"> This field will default to DV for Diversion. ENTER through this field.

**CAUTION | CHECK TOTALS**

- Verify the total is correct.
- DO NOT** press **CTRL T** if the total is not correct.
- Escape out of the Diversion Summary screen and correct the error.

Ctrl T	<ul style="list-style-type: none"> Save the data by pressing CTRL T and then press ENTER or click OK on the message box that indicates the data has been saved. Close the Diversion Summary screen by pressing the ESC key or by clicking the X in the upper right-hand corner of the screen. FACTS™ will return you to the Sentence Summary screen.
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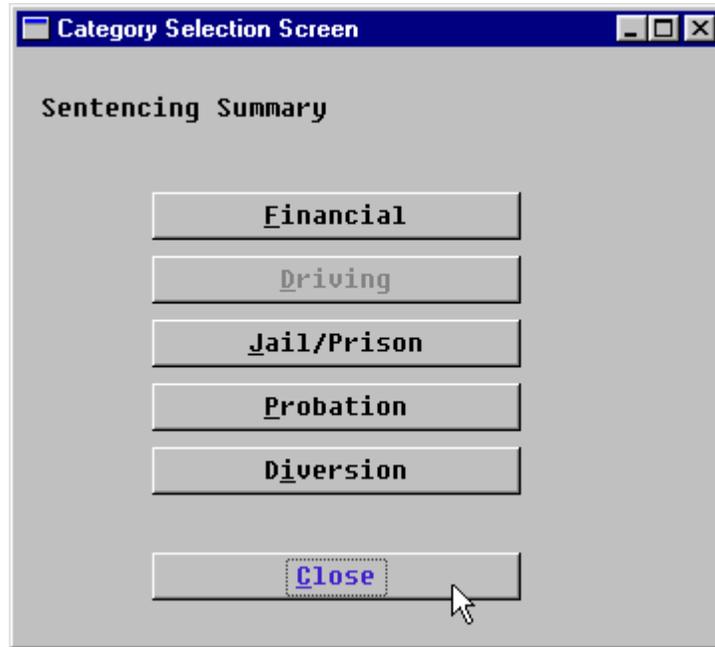


Figure 3-6.26: Close Button

	<ul style="list-style-type: none"> Exit the Sentencing Summary-Category Selection screen by clicking on the CLOSE button. The user is now returned to the Count Selection screen.
	<ul style="list-style-type: none"> Exit the Count Selection screen by clicking on the “X” in the upper right-hand corner or by pressing the ESC key. FACTS™ returns the user to the Sentencing by Count screen.
	<ul style="list-style-type: none"> Exit the Sentencing by Count screen by clicking on the “X” in the upper right-hand corner or by pressing the ESC key. FACTS™ returns the user to the Criminal Defendant Menu screen.
	<ul style="list-style-type: none"> Exit the Criminal Defendant Menu screen by clicking on the “X” in the upper right-hand corner or by pressing the ESC key. The user is now returned to the Case Management Menu screen

Section 3-7: Docket Closing Event

Figure 3-7.1: Case Docket

	<ul style="list-style-type: none"> On the Case Management Menu screen, click on the CASE DOCKET button or click on the DOCKET button on the toolbar. The Case Docket screen will pop-up.
Case Number.	<ul style="list-style-type: none"> Fill in the Case Docket screen as follows: Enter the appropriate case number.
Event Date.	<ul style="list-style-type: none"> Enter the date of the Judgment and Sentence
Event Sequence.	<ul style="list-style-type: none"> This number will default based on how many events have been entered on the event date.
Event Code.	<ul style="list-style-type: none"> Enter the closing code from the following table.
Action Code.	
Judge Code. (Default-Judge Assigned)	<ul style="list-style-type: none"> If a different judge sentenced the defendant, then delete the judge code and enter the code for the judge who sentenced the defendant.
Party.	<ul style="list-style-type: none"> Enter appropriate code, D1.
Count.	
Reopen? (Y/N).	

Descriptive Data (Y/N)?

- Click on the **EDIT** button or press **ENTER** and the **Event Description** screen will pop-up. (FIGURE: 3-3.3)

Figure 3-7.2: Event Description

Result Code.	
Standard Description Code.	<ul style="list-style-type: none"> When appropriate, enter the standard description code for that event code (usually it is the same as the event code). Previously agreed upon text will appear in the Comments section of the screen. It may be edited or added to as needed.
Comments.	<ul style="list-style-type: none"> Type whatever is appropriate in this field. Unlike many text input screens in FACTS™, the text on this screen will wrap so the user can type without worrying about line endings.
CTRL T	<ul style="list-style-type: none"> This text must be saved by pressing CTRL T and then pressing ENTER or click OK on the box that pops up indicating that the data has been saved. Close the Event Description screen by pressing the ESC key or by clicking the X in the upper right-hand corner of the screen. FACTS™ returns the user to the Case Docket screen. (FIGURE: 3-7.3)

Figure 3-7.3: Case Docket

Save Button

Click on the **SAVE** button at the bottom of the screen to save the data and then press **ENTER** or click **OK** on the box that pops up indicating that the data has been saved.



CAUTION | OUTSTANDING RECEIVABLES

- If there are outstanding receivables on the case (e.g. fines and/or fees), the case status will not be changed to closed and a message box indicating that will appear.
- Close this message box by pressing **ENTER** or clicking on **OK**.

