

**First Judicial District Attorney**  
Santa Fe, Rio Arriba & Los Alamos Counties

**Mary Carmack-Altwies**  
District Attorney



**FY 2027**  
Appropriation Request

**Agency 25100**

## FY27 Appropriation Request Checklist

Agency Name: First Judicial District Attorney

Business Unit: 25100

### Reports to Include in PDF Submission

Form #	Title	
<input checked="" type="checkbox"/>	Cvr Ltr	Cover Letter <i>Agency Level</i>
<input checked="" type="checkbox"/>	S-1	Certification <i>Agency Level</i>
<input checked="" type="checkbox"/>	S-2	Organizational Chart <i>Agency/Program Level</i>
<input checked="" type="checkbox"/>	S-8	Financial Summary (BFM) <i>Agency/Program Level</i>
<input checked="" type="checkbox"/>	S-9	Account Code Revenue / Expenditure Report <i>Agency/Program Level</i>
<input checked="" type="checkbox"/>	S-10	Fund Balance Projection <i>Fund Level</i>
<input checked="" type="checkbox"/>	S-13	Detail of Rate Line Items (see instructions) <i>Agency Level</i>
<input checked="" type="checkbox"/>	P-1	Program Narrative <i>Program Level</i>
<input type="checkbox"/>	R-2	Transfer Report <i>Agency Level</i>
<input checked="" type="checkbox"/>	REV/EXP	Revenue-Expenditure Comparison Report <i>Agency/Program Level</i>
<input checked="" type="checkbox"/>	FFRW	Detail of Federal Funds Revenue Worksheet <i>Agency/Program Level</i>
<input checked="" type="checkbox"/>	EB-1	Expansion Justifications <i>Program Level</i>
<input checked="" type="checkbox"/>	EB-2	Expansion Fiscal Summary <i>Program Level</i>
<input checked="" type="checkbox"/>	EB-3	Expansion Line Item Detail <i>Program Level</i>
<input type="checkbox"/>	LFR	Legislating for Results Expansion Tool <i>Program Level</i>
<input checked="" type="checkbox"/>	E4	Pcode Detail <i>Program Level</i>
<input checked="" type="checkbox"/>	E5	Contract by Pcode <i>Program Level</i>
<input type="checkbox"/>	SAR	Special Appropriation Request Report <i>Agency Level</i>
<input checked="" type="checkbox"/>	APR	Annual Performance Report <i>Program Level</i>
<input checked="" type="checkbox"/>	Table 2	Table 2 Performance Measure Summary <i>Program Level</i>
<input checked="" type="checkbox"/>	SP	Strategic Plan <i>Agency Level</i>
<input type="checkbox"/>	ITP	Information Technology Plan <i>Agency Level</i>
<input type="checkbox"/>	C-1	Base Operating Budget <i>Agency Level</i>
<input type="checkbox"/>	C-2	IT Request Plan <i>Agency Level</i>
<input type="checkbox"/>	Perf Audit	Update to LFC Performance Audits (within last 2 years) <i>Agency Level</i>

### Documents to Attach in BFM (PDF Optional)

### Where to Attach

<input type="checkbox"/>	Board Cert	Board or Commission Budget Certification <i>Form 9900</i>
<input type="checkbox"/>	E-6B	Leased Passenger-Related Vehicles <i>Form 3300/4300</i>



STATE OF NEW MEXICO

**First Judicial District Attorney**  
Santa Fe, Rio Arriba & Los Alamos Counties

**Mary Carmack-Altwhies**  
District Attorney

**Santa Fe Main Office**  
327 Sandoval Street  
PO Box 2041  
Santa Fe, NM 87504-2041  
Telephone: (505) 827-5000

**Espanola Office**  
1122 Industrial Park Road  
PO Box 1209  
Espanola, NM 87532  
Telephone: (505) 753-7131

September 1, 2025

Mario Semiglia  
State Budget Division  
Department of Finance and Administration  
407 Galisteo St., Room 190  
Santa Fe NM 87501

Dear Mario:

The First Judicial District Attorney's Office respectfully submits our FY27 Appropriation request. The priority is to obtain an overall budget that allows for funding for our staff to remain competitive when hiring new employees and retaining experienced attorneys and support staff. Our request includes an expansion request to include ten (10) additional positions for the Case Management Order (CMO) and an increase to base, this funding aligns current employee salaries and benefits with the FY27 salary schedule proposed by AODA and approved by DFA. This adjustment is critical to ensure fair and competitive compensation when compared against other state agencies and assistant district attorneys in neighboring states. and an increase to base to bring salaries up to mid-range. We are also asking an increase to base for our 300's category for special prosecutors and an increase to our 400 category to pay expert witnesses.

The First Judicial District Attorney's Office ("FJDA") is obligated to provide prosecution services to the citizens of the State of New Mexico under Article VI, Section 24 of the New Mexico Constitution. The purpose of the FJDA is to enforce state laws and to ensure and improve the protection, safety, welfare, health, and quality of life for the citizens and visitors within Santa Fe, Rio Arriba and Los Alamos Counties. The FJDA services include prosecution, victim/witness assistance, diversion programs, trial preparation, law enforcement technical assistance, investigations, and community outreach.

**Projected Structure and Staffing as of September 1, 2024**

Total FJDA FTEs: 81

Attorneys: 33 (includes one grant funded ADA) 1 new Senior Trial Attorney  
District Attorney: 1  
Chief Deputy District Attorney: 5 (one is unfunded vacant position)  
Intake: 5  
Trial Team Santa Fe: 9  
Trial Team Rio Arriba: 7  
Juvenile - 1  
Magistrate Court: 4  
Los Alamos: 1

Support Staff, Support Staff Supervisors, and Preprosecution Diversion: 34 (includes one position partially funded by the HIDTA grant)  
Victim Advocates: 6 (includes a position funded by the VOCA grant)  
Investigators: 4  
Administrative Team, 2  
IT,-2

### **FY27 Budget Request**

FY26 Total Budget: \$8,729,404

FY 27 Total Request: \$11,420,604 which includes:

- (1) Sustaining current FY25 budget: \$8,729,404
- (2) Expansion Request: \$1,441,200
  - a. The Impending Case Management Order, Local Proposed Rule LR1-307 (10 FTE)
- (3) Increase to Base: \$1,250,000
  - a. 200 Category: \$300,000 – This funding aligns current employee salaries and benefits with the FY27 salary schedule proposed by AODA and approved by DFA. This adjustment is critical to ensure fair and competitive compensation when compared against other state agencies and assistant district attorneys in neighboring states.
  - b. 300 Category: \$150,000 – The increased costs for contracts for prosecutors and investigators. Contracting with prosecutors is critical when the needs of the FJDA far exceed the staffing. Contracting with investigators is also critical to assist with process service because of the county sheriff's offices will not serve FJDA subpoenas consistent with the strict timelines imposed by court rules.
  - c. 400 Category: \$800,000 – Increased costs for Expert Witness fees. Expert witnesses are essential for many cases set on a trial trajectory. Additionally, the FJDA is requesting funding for additional software improvement to assist with the implementation of the Case Management Order, software that will assist the FJDA in meeting the IPRA demands, and for the IT division's 3-year replacement plan.
  - d. The FJDA is requesting an amendment to the appropriation language of bill that would extend any unspent funds at the end of FY26 to carry over into FY27. The \$100,000 is not necessary for the FJDA until January 1, 2026, after the current

grant funding expires. Therefore, the FJDA only has 6 months to spend down this appropriation, which is not sufficient time. This amendment will allow the program to continue, uninterrupted and eliminates the need to request additional funding for FY27.

Anticipated vacancy rate for FY26: 2.0%

We appreciate the funding and additional positions we have received these past few fiscal years. This funding assists the First Judicial District Attorney's Office to enforce state laws and to ensure and improve the protection, safety, welfare, health, and quality of life for the citizens and visitors within Santa Fe, Rio Arriba and Los Alamos Counties.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "C. Renee Padilla".

C. Renee Padilla  
Chief Financial Officer  
First Judicial District Attorney


**APPROPRIATION REQUEST  
CERTIFICATION  
FORM S-1**

---

Agency Name: First Judicial District Attorney

Business Unit: 25100

*I hereby certify that the accompanying summary and detailed statements are true and correct to the best of my knowledge and belief and that the arithmetic accuracy of all numeric information has been verified.*

  
\_\_\_\_\_  
Mary Carmack-Alt, District Attorney

  
\_\_\_\_\_  
C. Renee Padilla, Chief Financial Officer

327 Sandoval Street  
Santa Fe, New Mexico 87501

505-428-6918

rpadilla@da.state.nm.us

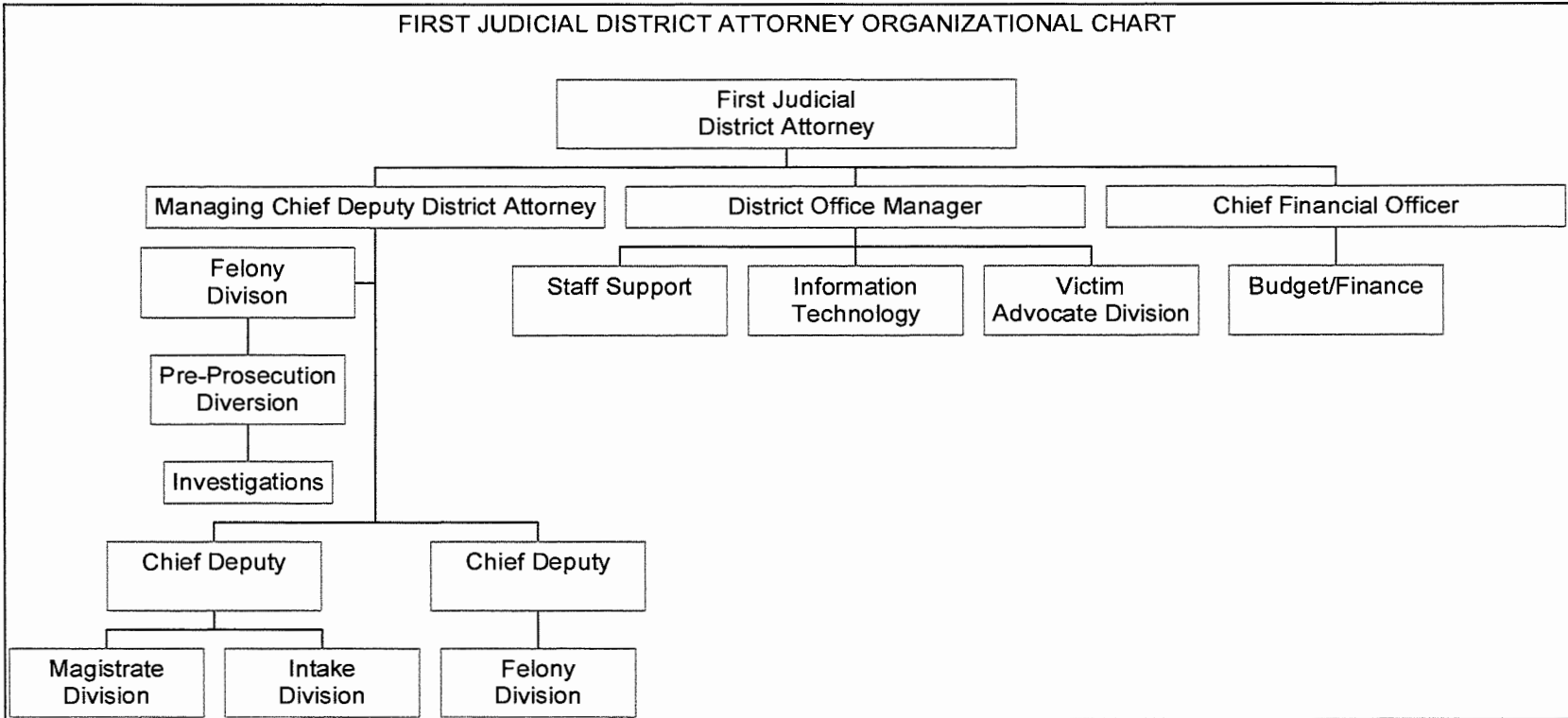
*Note: Appropriation Requests for agencies headed by a board or commission must be approved by the board or commission by official action and signed by the chairperson. Operating Budgets of other agencies must be signed by the director or secretary. Appropriation Requests not properly signed will be returned.*

---

Agency Name: First Judicial District Attorney  
Program Name: Prosecution

Business Unit: 25100  
Program Code: P251

**APPROPRIATION REQUEST  
ORGANIZATION CHART  
FORM S-2**



Check Box if this form is a revision

Revision no:

Revision Date: 6/30/2011

Page

State of New Mexico  
**S-8 Financial Summary**  
 (Dollars in Thousands)

BU PCode Department  
 25100 P251 000000

	2024-25 Opbud	2024-25 Actuals	2025-26 Opbud	2026-27 PCF Proj	Base	FY 2027 Agency Request		Total
						Expansion		
<b>REVENUE</b>								
111 General Fund Transfers	8,815.1	8,583.7	9,392.1	0.0	10,549.0	1,441.2		11,990.2
112 Other Transfers	77.6	296.4	77.6	0.0	77.6	0.0		77.6
120 Federal Revenues	120.1	113.5	120.1	0.0	120.1	0.0		120.1
REVENUE, TRANSFERS	9,012.8	8,993.6	9,589.8	0.0	10,746.7	1,441.2		12,187.9
<b>REVENUE</b>	<b>9,012.8</b>	<b>8,993.6</b>	<b>9,589.8</b>	<b>0.0</b>	<b>10,746.7</b>	<b>1,441.2</b>		<b>12,187.9</b>
<b>EXPENSE</b>								
200 Personal services and employee benefits	8,304.0	8,216.6	8,879.9	10,415.2	9,184.1	1,441.2		10,625.3
300 Contractual services	97.8	175.7	98.9	0.0	150.0	0.0		150.0
400 Other	611.0	611.2	611.0	0.0	1,412.6	0.0		1,412.6
EXPENDITURES	9,012.8	9,003.5	9,589.8	10,415.24	10,746.7	1,441.2		12,187.9
<b>EXPENSE</b>	<b>9,012.8</b>	<b>9,003.5</b>	<b>9,589.8</b>	<b>10,415.24</b>	<b>10,746.7</b>	<b>1,441.2</b>		<b>12,187.9</b>
<b>FTE POSITIONS</b>								
810 Permanent	79.00	0.00	80.00	92.00	91.00	26.00		117.00
820 Term	5.00	0.00	5.00	0.00	5.00	0.00		5.00
FTEs	84.00	0.00	85.00	92.00	96.00	26.00		122.00
<b>FTE POSITIONS</b>	<b>84.00</b>	<b>0.00</b>	<b>85.00</b>	<b>92.00</b>	<b>96.00</b>	<b>26.00</b>		<b>122.00</b>

S-9 Account Code Revenue/Expenditure Summary  
(Dollars in Thousands)

BU PCode Department  
25100 0000 0000000000

		2024-25	2024-25	2025-26	2026-27	FY 2027 Agency Request		
		Opbud	Actuals	Opbud	PCF Proj	Base	Expansion	Total
499105	General Fd. Appropriation	8,815.1	8,583.7	9,392.1	0.0	10,549.0	1,441.2	11,990.2
111	General Fund Transfers	8,815.1	8,583.7	9,392.1	0.0	10,549.0	1,441.2	11,990.2
425909	Other Services - Interagency	0.0	5.3	0.0	0.0	0.0	0.0	0.0
451909	Federal Contract - Interagency	77.6	59.7	77.6	0.0	77.6	0.0	77.6
499905	Other Financing Sources	0.0	231.4	0.0	0.0	0.0	0.0	0.0
112	Other Transfers	77.6	296.4	77.6	0.0	77.6	0.0	77.6
451903	Federal Direct - Operating	120.1	113.5	120.1	0.0	120.1	0.0	120.1
120	Federal Revenues	120.1	113.5	120.1	0.0	120.1	0.0	120.1
<b>TOTAL REVENUE</b>		<b>9,012.8</b>	<b>8,993.6</b>	<b>9,589.8</b>	<b>0</b>	<b>10,746.7</b>	<b>1,441.2</b>	<b>12,187.9</b>
520100	Exempt Perm Positions P/T&F/T	5,708.8	5,700.1	6,104.0	7,497.8	6,217.3	998.2	7,215.5
520200	Term Positions	136.6	185.8	136.6	1.3	136.6	0.0	136.6
520600	Paid Unused Sick Leave	0.0	12.2	0.0	0.0	0.0	0.0	0.0
520700	Overtime & Other Premium Pay	0.0	7.9	0.0	0.0	0.0	0.0	0.0
520800	Annl & Comp Paid At Separation	0.0	45.4	0.0	0.0	0.0	0.0	0.0
521100	Group Insurance Premium	741.8	493.7	811.9	880.0	964.8	153.4	1,118.2
521200	Retirement Contributions	1,090.2	1,117.2	1,135.6	1,421.1	1,157.4	192.8	1,350.2
521300	F I C A	441.5	440.8	458.8	463.1	467.5	76.7	544.2
521400	Workers' Comp Assessment Fee	0.8	0.7	0.8	0.0	0.0	0.0	0.0
521410	GSD Work Comp Insur Premium	18.4	18.4	26.2	0.0	19.6	0.0	19.6
521500	Unemployment Comp Premium	5.1	5.0	5.8	0.0	0.0	0.0	0.0
521600	Employee Liability Ins Premium	62.2	67.7	96.1	0.0	116.8	0.0	116.8
521700	RHC Act Contributions	98.6	116.1	104.1	151.9	104.1	20.1	124.2
521900	Other Employee Benefits	0.0	5.3	0.0	0.0	0.0	0.0	0.0
200	Personal services and employee benef	8,304.0	8,216.6	8,879.9	10,415.2	9,184.1	1,441.2	10,625.3
535100	Medical Services	0.0	1.5	0.0	0.0	0.0	0.0	0.0
535200	Professional Services	0.0	28.2	0.0	0.0	10.0	0.0	10.0
535300	Other Services	2.7	53.3	2.7	0.0	30.0	0.0	30.0
535400	Audit Services	21.4	24.3	22.5	0.0	25.9	0.0	25.9
535500	Attorney Services	73.7	68.4	73.7	0.0	84.1	0.0	84.1
535600	IT Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
300	Contractual services	97.8	175.7	98.9	0.0	150.0	0.0	150.0
542100	Employee I/S Mileage & Fares	2.0	1.5	2.0	0.0	2.0	0.0	2.0
542200	Employee I/S Meals & Lodging	14.0	23.3	14.0	0.0	29.0	0.0	29.0

**S-9 Account Code Revenue/Expenditure Summary**  
(Dollars in Thousands)

BU 25100 PCode 0000 Department 0000000000

		2024-25	2024-25	2025-26	2026-27	FY 2027 Agency Request		
		Opbud	Actuals	Opbud	PCF Proj	Base	Expansion	Total
542500	Transp - Fuel & Oil	35.1	20.9	35.1	0.0	35.1	0.0	35.1
542600	Transp - Parts & Supplies	15.7	24.0	15.7	0.0	15.7	0.0	15.7
542700	Transp - Transp Insurance	3.6	3.6	3.4	0.0	3.7	0.0	3.7
543200	Maint - Furn, Fixt, Equipment	2.0	0.0	2.0	0.0	2.0	0.0	2.0
543400	Maint - Property Insurance	0.1	0.0	0.1	0.0	0.0	0.0	0.0
543500	Maint - Supplies	0.0	0.7	0.0	0.0	1.0	0.0	1.0
543820	Maintenance IT	2.5	0.0	2.5	0.0	5.0	0.0	5.0
543830	IT HW/SW Agreements	207.1	172.9	207.1	0.0	500.0	0.0	500.0
544000	Supply Inventory IT	16.5	34.4	16.5	0.0	371.3	0.0	371.3
544100	Supplies-Office Supplies	12.0	12.9	12.0	0.0	13.0	0.0	13.0
544400	Supplies-Field Supplies	5.0	14.9	5.0	0.0	15.0	0.0	15.0
544900	Supplies-Inventory Exempt	15.0	36.4	15.0	0.0	50.0	0.0	50.0
545600	Reporting & Recording	70.0	70.7	70.0	0.0	150.0	0.0	150.0
545710	DOIT HCM Assessment Fees	30.2	27.6	30.4	0.0	32.0	0.0	32.0
545900	Printing & Photo Services	4.5	8.2	4.5	0.0	9.0	0.0	9.0
546100	Postage & Mail Services	5.0	2.1	5.0	0.0	2.5	0.0	2.5
546400	Rent Of Land & Buildings	10.0	7.8	10.0	0.0	8.0	0.0	8.0
546500	Rent Of Equipment	32.0	25.7	32.0	0.0	35.0	0.0	35.0
546600	Communications	52.0	45.9	52.0	0.0	55.0	0.0	55.0
546700	Subscriptions/Dues/License Fee	48.9	51.3	48.9	0.0	60.0	0.0	60.0
546800	Employee Training & Education	5.0	7.1	5.0	0.0	7.5	0.0	7.5
546900	Advertising	0.8	0.0	0.8	0.0	0.8	0.0	0.8
547900	Miscellaneous Expense	15.0	6.2	15.0	0.0	7.0	0.0	7.0
547999	Request to Pay Prior Year	0.0	0.2	0.0	0.0	0.0	0.0	0.0
548200	Furniture & Fixtures	0.0	0.0	0.0	0.0	0.0	0.0	0.0
548800	Automotive & Aircraft	0.0	10.0	0.0	0.0	0.0	0.0	0.0
549600	Employee O/S Mileage & Fares	5.0	1.1	5.0	0.0	1.5	0.0	1.5
549700	Employee O/S Meals & Lodging	2.0	1.4	2.0	0.0	1.5	0.0	1.5
400	Other	611.0	611.2	611.0	0.0	1,412.6	0.0	1,412.6
<b>TOTAL EXPENSE</b>		<b>9,012.8</b>	<b>9,003.5</b>	<b>9,589.8</b>	<b>10,415.24</b>	<b>10,746.7</b>	<b>1,441.2</b>	<b>12,187.9</b>
810	Permanent	79.00	0.00	80.00	92.00	91.00	26.00	117.00
810	Permanent	79.00	0.00	80.00	92.00	91.00	26.00	117.00
820	Term	5.00	0.00	5.00	0.00	5.00	0.00	5.00

S-9 Account Code Revenue/Expenditure Summary

(Dollars in Thousands)

BU	PCode	Department							
25100	0000	0000000000							
820	Term		5.00	0.00	5.00	0.00	5.00	0.00	5.00
<b>TOTAL FTE POSITIONS</b>			<b>84.00</b>	<b>0.00</b>	<b>85.00</b>	<b>92.00</b>	<b>96.00</b>	<b>26.00</b>	<b>122.00</b>

State of New Mexico  
**S-13 Line Items by Business Unit Expenditures**  
(Dollars in Thousands)

BusUnit	Line Item		2024-25	2025-26	Request		Recommendation		Opbud		
			Actuals	Opbud	Base	Expansion	Base	Expansion			
25100	P251-R	First Judicial District Attorney	520100	Exempt Perm Positions P/T&F/T	5,700.09	6,104	6,217.3	998.2	0	0	0.0
			520200	Term Positions	185.84	136.6	136.6	0	0	0	0.0
			520600	Paid Unused Sick Leave	12.17	0	0	0	0	0	0.0
			520700	Overtime & Other Premium Pay	7.91	0	0	0	0	0	0.0
			520800	Annl & Comp Paid At Separation	45.45	0	0	0	0	0	0.0
			521100	Group Insurance Premium	493.74	811.9	964.8	153.4	0	0	0.0
			521200	Retirement Contributions	1,117.24	1,135.6	1,157.4	192.8	0	0	0.0
			521300	F I C A	440.82	458.8	467.5	76.7	0	0	0.0
			521400	Workers' Comp Assessment Fee	0.75	0.8	0	0	0	0	0.0
			521410	GSD Work Comp Insur Premium	18.4	26.2	19.6	0	0	0	0.0
			521500	Unemployment Comp Premium	5.05	5.8	0	0	0	0	0.0
			521600	Employee Liability Ins Premium	67.68	96.1	116.8	0	0	0	0.0
			521700	RHC Act Contributions	116.14	104.1	104.1	20.1	0	0	0.0
			521900	Other Employee Benefits	5.33	0	0	0	0	0	0.0
			535100	Medical Services	1.47	0	0	0	0	0	0.0
			535200	Professional Services	28.2	0	10	0	0	0	0.0
			535300	Other Services	53.34	2.7	30	0	0	0	0.0
			535400	Audit Services	24.27	22.5	25.9	0	0	0	0.0
			535500	Attorney Services	68.44	73.7	84.1	0	0	0	0.0
			542100	Employee I/S Mileage & Fares	1.52	2	2	0	0	0	0.0
			542200	Employee I/S Meals & Lodging	23.33	14	29	0	0	0	0.0
			542500	Transp - Fuel & Oil	20.92	35.1	35.1	0	0	0	0.0
			542600	Transp - Parts & Supplies	23.99	15.7	15.7	0	0	0	0.0
			542700	Transp - Transp Insurance	3.6	3.4	3.7	0	0	0	0.0
			543200	Maint - Furn, Fixt, Equipment	0	2	2	0	0	0	0.0
			543400	Maint - Property Insurance	0	0.1	0	0	0	0	0.0
			543500	Maint - Supplies	0.66	0	1	0	0	0	0.0
			543820	Maintenance IT	0	2.5	5	0	0	0	0.0
			543830	IT HW/SW Agreements	172.94	207.1	500	0	0	0	0.0
			544000	Supply Inventory IT	34.41	16.5	371.3	0	0	0	0.0
			544100	Supplies-Office Supplies	12.95	12	13	0	0	0	0.0
			544400	Supplies-Field Supplies	14.92	5	15	0	0	0	0.0

State of New Mexico

S-13 Line Items by Business Unit Expenditures

(Dollars in Thousands)

544900	Supplies-Inventory Exempt	36.39	15	50	0	0	0	0.0
545600	Reporting & Recording	70.72	70	150	0	0	0	0.0
545710	DOIT HCM Assessment Fees	27.55	30.4	32	0	0	0	0.0
545900	Printing & Photo Services	8.24	4.5	9	0	0	0	0.0
546100	Postage & Mail Services	2.13	5	2.5	0	0	0	0.0
546400	Rent Of Land & Buildings	7.79	10	8	0	0	0	0.0
546500	Rent Of Equipment	25.75	32	35	0	0	0	0.0
546600	Communications	45.88	52	55	0	0	0	0.0
546700	Subscriptions/Dues/License Fee	51.33	48.9	60	0	0	0	0.0
546800	Employee Training & Education	7.1	5	7.5	0	0	0	0.0
546900	Advertising	0	0.8	0.8	0	0	0	0.0
547900	Miscellaneous Expense	6.22	15	7	0	0	0	0.0
547999	Request to Pay Prior Year	0.22	0	0	0	0	0	0.0
548800	Automotive & Aircraft	10.04	0	0	0	0	0	0.0
549600	Employee O/S Mileage & Fares	1.13	5	1.5	0	0	0	0.0
549700	Employee O/S Meals & Lodging	1.42	2	1.5	0	0	0	0.0
<b>Subtotal for:</b>	<b>25100 P251-R First Judicial District Attorney</b>	<b>9,003.49</b>	<b>9,589.8</b>	<b>10,746.7</b>	<b>1,441.2</b>	<b>0</b>	<b>0</b>	<b>0.0</b>
<b>25100</b>		<b>9,003.49</b>	<b>9,589.8</b>	<b>10,746.7</b>	<b>1,441.2</b>	<b>0</b>	<b>0</b>	<b>0.0</b>

Totals by Line Item

BusUnit	Line Item	2024-25	2025-26	Request		Recommendation		Opbud
		Actuals	Opbud	Base	Expansion	Base	Expansion	
25100	520100 Exempt Perm Positions P/T&F/T	5,700.09	6,104	6,217.3	998.2	0	0	0.0
	520200 Term Positions	185.84	136.6	136.6	0	0	0	0.0
	520600 Paid Unused Sick Leave	12.17	0	0	0	0	0	0.0
	520700 Overtime & Other Premium Pay	7.91	0	0	0	0	0	0.0
	520800 Annl & Comp Paid At Separation	45.45	0	0	0	0	0	0.0
	521100 Group Insurance Premium	493.74	811.9	964.8	153.4	0	0	0.0
	521200 Retirement Contributions	1,117.24	1,135.6	1,157.4	192.8	0	0	0.0
	521300 F I C A	440.82	458.8	467.5	76.7	0	0	0.0
	521400 Workers' Comp Assessment Fee	0.75	0.8	0	0	0	0	0.0

State of New Mexico

S-13 Line Items by Business Unit Expenditures

(Dollars in Thousands)

521410	GSD Work Comp Insur Premium	18.4	26.2	19.6	0	0	0	0.0
521500	Unemployment Comp Premium	5.05	5.8	0	0	0	0	0.0
521600	Employee Liability Ins Premium	67.68	96.1	116.8	0	0	0	0.0
521700	RHC Act Contributions	116.14	104.1	104.1	20.1	0	0	0.0
521900	Other Employee Benefits	5.33	0	0	0	0	0	0.0
535100	Medical Services	1.47	0	0	0	0	0	0.0
535200	Professional Services	28.2	0	10	0	0	0	0.0
535300	Other Services	53.34	2.7	30	0	0	0	0.0
535400	Audit Services	24.27	22.5	25.9	0	0	0	0.0
535500	Attorney Services	68.44	73.7	84.1	0	0	0	0.0
542100	Employee I/S Mileage & Fares	1.52	2	2	0	0	0	0.0
542200	Employee I/S Meals & Lodging	23.33	14	29	0	0	0	0.0
542500	Transp - Fuel & Oil	20.92	35.1	35.1	0	0	0	0.0
542600	Transp - Parts & Supplies	23.99	15.7	15.7	0	0	0	0.0
542700	Transp - Transp Insurance	3.6	3.4	3.7	0	0	0	0.0
543200	Maint - Furn, Fixt, Equipment	0	2	2	0	0	0	0.0
543400	Maint - Property Insurance	0	0.1	0	0	0	0	0.0
543500	Maint - Supplies	0.66	0	1	0	0	0	0.0
543820	Maintenance IT	0	2.5	5	0	0	0	0.0
543830	IT HW/SW Agreements	172.94	207.1	500	0	0	0	0.0
544000	Supply Inventory IT	34.41	16.5	371.3	0	0	0	0.0
544100	Supplies-Office Supplies	12.95	12	13	0	0	0	0.0
544400	Supplies-Field Supplies	14.92	5	15	0	0	0	0.0
544900	Supplies-Inventory Exempt	36.39	15	50	0	0	0	0.0
545600	Reporting & Recording	70.72	70	150	0	0	0	0.0
545710	DOIT HCM Assessment Fees	27.55	30.4	32	0	0	0	0.0
545900	Printing & Photo Services	8.24	4.5	9	0	0	0	0.0
546100	Postage & Mail Services	2.13	5	2.5	0	0	0	0.0
546400	Rent Of Land & Buildings	7.79	10	8	0	0	0	0.0
546500	Rent Of Equipment	25.75	32	35	0	0	0	0.0
546600	Communications	45.88	52	55	0	0	0	0.0
546700	Subscriptions/Dues/License Fee	51.33	48.9	60	0	0	0	0.0

State of New Mexico  
**S-13 Line Items by Business Unit Expenditures**  
(Dollars in Thousands)

546800	Employee Training & Education	7.1	5	7.5	0	0	0	0.0
546900	Advertising	0	0.8	0.8	0	0	0	0.0
547900	Miscellaneous Expense	6.22	15	7	0	0	0	0.0
547999	Request to Pay Prior Year	0.22	0	0	0	0	0	0.0
548800	Automotive & Aircraft	10.04	0	0	0	0	0	0.0
549600	Employee O/S Mileage & Fares	1.13	5	1.5	0	0	0	0.0
549700	Employee O/S Meals & Lodging	1.42	2	1.5	0	0	0	0.0
<b>Grand Total</b>		<b>9,003.49</b>	<b>9,589.8</b>	<b>10,746.7</b>	<b>1,441.2</b>	<b>0</b>	<b>0</b>	<b>0.0</b>

**Program Description:**

The First Judicial District Attorney’s Office (“FJDA”) is obligated to provide prosecution services to the citizens of the State of New Mexico under Article VI, Section 24 of the New Mexico Constitution. The purpose of the FJDA is to enforce state laws and to ensure and improve the protection, safety, welfare, health, and quality of life for the citizens and visitors within Santa Fe, Rio Arriba and Los Alamos Counties. The FJDA services include prosecution, victim/witness assistance, diversion programs, trial preparation, law enforcement technical assistance, investigations, and community outreach.

Projected Structure and Staffing as of September 1, 2024

Total FJDA FTEs: 81

Attorneys: 33 (includes one grant funded ADA) 1 new Senior Trial Attorney

District Attorney: 1

Chief Deputy District Attorney: 5 (one is unfunded vacant position)

Intake: 5

Trial Team Santa Fe: 9

Trial Team Rio Arriba: 7

Juvenile - 1

Magistrate Court: 4

Los Alamos: 1

Support Staff, Support Staff Supervisors, and Preprosecution Diversion: 34 (includes one position partially funded by the HIDTA grant)

Victim Advocates: 6 (includes a position funded by the VOCA grant)

Investigators: 4

Administrative Team, 2

IT,-2

4- Vacancies as of August 31, 2025

33 – Attorney positions – 3 vacant. 2 which are used for vacancy savings

46 – Support staff – 1 vacant

FY27 Budget Request

FY26 Total Budget: \$8,729,404

FY 27 Total Request: \$11,420,604 which includes:

(1) Sustaining current FY25 budget: \$8,729,404

(2) Expansion Request: \$1,441,200

a. The Impending Case Management Order, Local Proposed Rule LR1-307 (10 FTE)

(3) Increase to Base: \$1,250,000

a. 200 Category: \$300,000 – This funding aligns current employee salaries and benefits with the FY27 salary schedule proposed by AODA and approved by DFA. This adjustment is critical to ensure fair and competitive compensation when compared against other state agencies and assistant district attorneys in neighboring states.

b. 300 Category: \$150,000 – The increased costs for contracts for prosecutors and investigators. Contracting with prosecutors is critical when the needs of the FJDA far exceed the staffing. Contracting with investigators is also critical to assist with process service because of the county sheriff’s offices will not serve FJDA subpoenas consistent with the strict timelines imposed by court rules.

c. 400 Category: \$800,000 – Increased costs for Expert Witness fees. Expert witnesses are essential for many cases set on a trial trajectory. Additionally, the FJDA is requesting funding for additional software improvement to assist with the implementation of the Case Management Order, software that will assist the FJDA in meeting the IPRA demands, and for the IT division’s 3-year replacement plan.

d. The FJDA is requesting an amendment to the appropriation language of bill that would extend any unspent funds at the end of FY26 to carry over into FY27. The \$100,000 is not necessary for the FJDA until January 1, 2026,

BU PCode  
25100 P251

after the current grant funding expires. Therefore, the FJDA only has 6 months to spend down this appropriation, which is not sufficient time. This amendment will allow the program to continue, uninterrupted and eliminates the need to request additional funding for FY27.  
Anticipated vacancy rate for FY26: 2.0%

**Major Issues and Accomplishments:****Accomplishments and Issues**

The landscape of criminal justice in the State of New Mexico is everchanging, which includes increased responsibility and scrutiny on public safety practitioners. Like our public defender counterparts, a prosecutor's job is high stakes and high stress. Unlike our public defender counterparts, prosecutors must balance constitutional obligations and arduous court mandates implemented outside the legislative process with the public's outcry and demand for safer communities. Upon implementation of the Supreme Court's Case Management Order (CMO) in January 2026, the FJDA will be in the impossible position to explain to the public why prosecution efforts are hampered by unilateral and unfunded court mandates that both the FJDA and Law Office of the Public Defenders (LOPD) opposed. After our FY26 budget request fell on deaf ears, we are against asking the budget authorities to help the FJDA meet these public safety demands so that cases in the FJD do not suffer the same fate as other districts forced to comply with the CMO.

Through the FY26 budget process, District Attorney Carnack-Altweis stressed the urgency of additional staffing to meet the unfunded mandate of CMO stating "all of the crime fighting initiatives will not improve our safety if prosecutors cannot prosecute." The legislature continues to send money to recruit police officers, but many ADAs and nearly all support staff are now paid less than the police, and all are paid less than the civil attorneys in state agencies." Increasing the number of police officers may result in more arrests and criminal charges, but while the felony arrest/charge triggers court process and deadlines for the prosecution, rarely does the criminal complaint adequately account for sufficient evidence that supports a viable prosecution.

Most, if not all, of our nine (9) law enforcement partners continue to lack the staffing and resources that prioritize a high-quality investigation and collection of evidence over an immediate arrest. Moreover, law enforcement agencies lack the staffing, processes, and systems that guarantee that discovery is organized, complete, and produced in compliance with the rules and governing standards.

In its FY26 budget proposal, the FJDA submitted an expansion request to request 10 new positions but only received one senior trial attorney position. This is wholly inadequate to meet the demands of the CMO that becomes effective on January 1, 2026.

**Local Proposed Rule LR1-307**

Last year the FJDA stressed the importance of staffing structure that would allow the FJDA to proactively plan for the CMO. Again, the FJDA's repeated requests fell on the deaf ears of the Legislative Finance Committee. Simply stated, the FJDA cannot meet the front-loaded demands of the CMO with the current staffing structure and systems in place. The legislature gave additional positions and funding to the second judicial district when the CMO adversely impacted Albuquerque, why is the first judicial district treated differently?

In its evaluation of the resources that adjusting to CMO requires, the FJDA is requesting a total of ten full-time employees (10 FTE) to build out a unit that will work between intake and the trial team to ensure cases conform to incredibly strict mandates prior to the case proceeding with felony prosecution in district court. (This unit will handle most of the volume as intake will continue to file pretrial detentions and honor the expedited timelines for the most violent and prolific offenders.)

A paradigm shift: a law enforcement arrest and/or charge is not a "case referred for prosecution."

As LFC and DFA are aware, "cases referred for prosecution" is the baseline denominator for many of our performance measures. Not speaking for the other districts, the FJDA asserts that this is not a true reflection or baseline by which prosecution efforts should be measured. For example, this measure assumes that every case charged by LEAs is pre-screened for probable cause or viability. This, however, is not the case. In the FJD, the magistrate court accepts and files every criminal complaint submitted to the court. It has no bearing on the initiation of the felony criminal proceedings, whether an ADA has approved or denied the charges, asked for follow-up investigation, or if the charges in the complaint are correct. In summary, this measure assumes that each felony case filed by LEA is sufficient for prosecution, and the FJDA is measured by this incorrect assumption. It is unrealistic and

## P-1 Program Overview

BU PCode  
25100 P251

unworkable to assume that the FJDA can approve every criminal complaint, but there must be a distinction between cases filed/charged in Magistrate Court by LEAs and cases that the FJDA determines are viable for prosecution. As part of FJDA's data project and partnership with the New Mexico School of Mines and Technology, we are working towards an implementation of "Case Catcher," which is a true referral software system that interfaces between the FJDA and our law enforcement partners. Initially built as part of the Department of Justice Grant awarded to the Albuquerque Chamber of Commerce, this software is currently in its implementation phase between the Second Judicial DA's Office and the Albuquerque Police Department (APD). Despite hurdles and pushback from the Administrative Office of the District Attorney (AODA) we anticipate that Case Catcher will provide a useful tool in the early stages of a case. . Once gaps in process are identified, the FJDA expects to roll out the software and referral system for each of the FJDA's nine (9) law enforcement partners over the course of the next year.

#### Grant Funding

In September 2019, FJDA, in collaboration with the New Mexico Sentencing Commission and the University of New Mexico, was awarded a three-year \$450k grant from the William T. Grant Foundation. This grant, titled "Reducing Ethnoracial Inequality: a Prosecutor-Led Community-Based Diversion Program for Juveniles and Young Adults, is a research-based initiative designed to create and evaluate a diversion program in the First Judicial District for juveniles (ages 12–17) and young adults (ages 18–25). The program is designed to (1) reduce recidivism, (2) be developmentally informed in ways that encourage young people to make successful transitions to adulthood, and (3) to reduce racial/ethnic disparities in the criminal justice process. The program considers the recommendations of justice system stakeholders and former justice system-involved youth and uses a community prosecution approach that involves collaborations between community agencies and researchers. The first stage: the development stage began on July 1, 2020. Due to COVID-19 and the impacts the pandemic had on the ability to move forward with the first phase of the grant, the FJDA applied for and received a no-cost grant extension through December 31, 2025. For FY26, HB2, Chapter 160, Section 5, Item 17 the FJDA received \$100.0 to support this diversion program. This \$100.0 will become necessary once the grant expires on December 31, 2025. That said, the FJDA does not anticipate spending down the entire \$100.0 in six months between January 1, 2026, and June 30, 2026. Therefore, instead of asking for additional funding or a new appropriation for FY27, the FJDA is asking for a modification in the appropriation language that will allow any unspent funds in FY26 to carry over for use in FY27.

The FJDA sought and received grant funding for fiscal year 2025 from HIDTA (High Intensity Drug Trafficking Area) "Operation-Up the Ladder" in the amount of \$120,086. The HIDTA funding secures one prosecutor, and one support staff at the FJDA with the duties of providing front line prosecution for drug cases.

The FJDA has sought and received grant funding for fiscal year 2025 from the Victims of Crime Act (VOCA) in the amount of \$77,600. This provides for one (1) victim advocate.

#### Overview of Request:

Since 2015, the FJDA's Santa Fe Office has been waiting on Santa Fe County to procure, via RFP, start and complete critical building renovations. Each year the FJDA announces that the renovation is forthcoming, and each year comes and goes. The FJDA remains in limbo but was recently offered promising news that the county has a plan in motion. This plan would give the FJDA more office space, which could also help cure the space issue in Rio Arriba County. In Rio Arriba, the county authorities will not consider a larger office space in the city of Espanola. As a result, the Rio Arriba team cannot grow to meet the increasing demands and upticks in community crimes. It is the FJDA's hope that with a new plan in motion in Santa Fe, the FJDA can grow a team that can work out of the Santa Fe Office but prosecute crimes occurring in Rio Arriba County.

**Programmatic Changes:** The implementation of the CMO will far surpass the program and structure changes necessitated by the pretrial detention process and NMRA Rule 5-409, yet the FJDA accepts that the implementation of the CMO is a reality on January 1, 2026.

The District Court asserted that the FJDA can merely “reallocate” resources to comply with the CMO. As explained to the district court, this notion that the FJDA can adequately respond to the CMO as proposed is unrealistic. Other CMO districts, such as the Second Judicial District and Third Judicial District, required major funding and staff increases; the FJDA is not any different.

The FJDA contemplates an entirely new prosecution unit that will function in addition to the intake team and felony trial team. Comprised of ten (10) FTEs, this unit would be comprised of three (3) senior trial attorneys, four (4) support staff, one (1) victim advocate, one (1) information technology applications developer manager, and one (1) Investigator.

This information stems from an evaluation and assessment of the bandwidth and staffing of our law enforcement partners and from meeting with the Second Judicial District Attorney’s Office to evaluate how their operations adapted to the CMO demands. The FJDA request recognizes that the volume of cases in the Second Judicial District far exceeds that in the First Judicial District; therefore, the budget and staffing increases in the Second District Attorney’s Office (2DA) do not offer a fair comparable for the FJDA. As a result, the FJDA’s CMI implementation looks to the Albuquerque Police Department’s “Shield Unit” and reimagines it as a unit within the FJDA.

Created in 2017 and in response to the CMO, the APD Shield Unit consists of up to twelve (12) employees who are responsible for “preparing thousands of criminal cases for prosecution.” APD Expands Shield Unit to Prepare Cases for Prosecution—City of Albuquerque (cabq.gov). While an APD unit, this team works out of the offices of the 2DA. Because the FJDA serves nine (9) different law enforcement agencies, it is more conducive to the system and structure of the first judicial district to create a unit within the FJDA that includes an IT project manager who can interface with the various systems of each agency, an investigator who can ensure quality and complete investigations, support staff that can organize the cases within our discovery system, attorneys to initiate the proceedings once the case is organized and complete, and an advocate who can interface with the victims to mitigate frustrations with a process that delays a case.

**Base Budget Justification:** FJDA’s total increase to base is \$1,250,000. This increase to base includes:

- a. 200 Category: \$300,000 – This funding aligns current employee salaries and benefits with the FY27 salary schedule proposed by AODA and approved by DFA. This adjustment is critical to ensure fair and competitive compensation when compared against other state agencies and assistant district attorneys in neighboring states.
- b. 300 Category: \$150,000 – The increased costs for contracts for prosecutors and investigators. Contracting with prosecutors is critical when the needs of the FJDA far exceed the staffing. Contracting with investigators is also critical to assist with process service because of the county sheriff’s offices will not serve FJDA subpoenas consistent with the strict timelines imposed by court rules.
- c. 400 Category: \$800,000 – 400 Category: \$800,000 – Increased costs for Expert Witness fees. Expert witnesses are essential for many cases set on a trial trajectory. Additionally, the FJDA is requesting funding for additional software improvement to assist with the implementation of the Case Management Order, software that will assist the FJDA in meeting the IPRA demands, and for the IT division’s 3-year replacement plan.
- d. The FJDA is requesting an amendment to the appropriation language of bill that would extend any unspent funds at the end of FY26 to carry over into FY27. The \$100,000 is not necessary for the FJDA until January 1, 2026, after the current grant funding expires. Therefore, the FJDA only has 6 months to spend down this appropriation, which is not sufficient time. This amendment will allow the program to continue, uninterrupted and eliminates the need to request additional funding for FY27.



## REV EXP COMPARISON

(Dollars in Thousands)

### 25100 - First Judicial District Attorney

---

	General Fund	Other Funds	Other Transfers	Federal Funds	Total
<b>SOURCES</b>	<b>11,990.2</b>	<b>0.0</b>	<b>77.6</b>	<b>120.1</b>	<b>12,187.9</b>
Personal services and employee benefits	10,427.6	0.0	77.6	120.1	10,625.3
Contractual services	150.0	0.0	0.0	0.0	150
Other	1,412.6	0.0	0.0	0.0	1,412.6
<b>USES Total:</b>	<b>11,990.2</b>	<b>0.0</b>	<b>77.6</b>	<b>120.1</b>	<b>12,187.9</b>
<b>Net:</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Detail of Federal Funds Revenue (numbers in thousands)**

Agency: First Judicial District Attorney  
 BU: 25100  
 Program: High Intesity Drug Traffic Area  
 Program Code: P251

FUND	REVENUE ACCOUNT	GRANT NAME	MATCH RATIO	EXP. DATE	TOTAL GRANT AMOUNT	FY25 ACTUALS	FY26 OPBUD	FY27 REQUEST		TOTAL
								BASE	EXPANSION	
25900	451903	HIDTA	20	6/30/2027	120,100.0	118,561.8	120,100.0	120,100.0		120,100.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
<b>TOTALS</b>						<b>118,561.76</b>	<b>120,100.00</b>	<b>120,100.00</b>	<b>0.00</b>	<b>120,100.00</b>

**Detail of Federal Funds Revenue (numbers in thousands)**

Agency: First Judicial District Attorney  
 BU: 25100  
 Program: Victims of Crime Act  
 Program Code: P251

FUND	REVENUE ACCOUNT	GRANT NAME	MATCH RATIO	EXP. DATE	TOTAL GRANT AMOUNT	FY25 ACTUALS	FY26 OPBUD	FY27 REQUEST		TOTAL
								BASE	EXPANSION	
25800	451909	VOCA	0	6/30/2027	77,600.0	64,658.0	77,600.0	77,600.0		77,600.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
										0.0
<b>TOTALS</b>						<b>64,658.00</b>	<b>77,600.00</b>	<b>77,600.00</b>	<b>0.00</b>	<b>77,600.00</b>

**EB-1 Expansion Justifications**  
(Dollars in Thousands)

Case Management Order (CMO)

Rank: 0

New Initiative	2026-27 GF Sources	2026-27 OSF Sources	2026-27 ISF/ IAT Sources	2026-27 FF Sources	2026-27 Total Request	2026-27 Exec Recommendation
General Fund Transfers	1441.2	0.0	0.0	0.0	1441.2	0.0
<b>REVENUE, TRANSFERS</b>	<b>1441.2</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>1441.2</b>	<b>0.0</b>
Personal services and employee t	1441.2	0.0	0.0	0.0	1441.2	0.0
<b>EXPENDITURES</b>	<b>1441.2</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>1441.2</b>	<b>0.0</b>
Permanent	0	0	0	0	26	
<b>FTEs</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>26</b>	<b>0</b>

**Brief Description:**

Last year the FJDA stressed the importance of staffing structure that would allow the FJDA to proactively plan for the CMO. Again, the FJDA's repeated requests fell on the deaf ears of the Legislative Finance Committee. Simply stated, the FJDA cannot meet the front-loaded demands of the CMO with the current staffing structure and systems in place. The legislature gave additional positions and funding to the second judicial district when the CMO adversely impacted Albuquerque, why is the first judicial district treated differently? In its evaluation of the resources that adjusting to CMO requires, the FJDA is requesting a total of ten full-time employees (10 FTE) to build out a unit that will work between intake and the trial team to ensure cases conform to incredibly strict mandates prior to the case proceeding with felony prosecution in district court. (This unit will handle most of the volume as intake will continue to file pretrial detentions and honor the expedited timelines for the most violent and prolific offenders.)

**Legislative Change:** \_\_\_\_\_

**Session Law Citation:** \_\_\_\_\_

**Legal Settlement:** \_\_\_\_\_

**Case Number or Citation:** \_\_\_\_\_

**EB-2 Expansion Fiscal Summary**  
(Dollars in Thousands)

Case Management Order (CMO)

Rank: 0

		2026-27 GF Sources	2026-27 OSF Sources	2026-27 ISF/ IAT Sources	2026-27 FF Sources	2026-27 Total Request	2026-27 Exec Recommendation
111	General Fund Transfers	1441.2	0.0	0.0	0.0	1441.2	0.0
<b>REVENUE, TRANSFERS</b>		<b>1441.2</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>1441.2</b>	<b>0.0</b>
200	Personal services and employee benefits	1441.2	0.0	0.0	0.0	1441.2	0.0
<b>EXPENDITURES</b>		<b>1441.2</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>1441.2</b>	<b>0.0</b>
810	Permanent	0	0	0	0	26	0.0
<b>FTEs</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>26</b>	<b>0</b>

Case Management Order (CMO)

Rank: 0

		2026-27 GF Sources	2026-27 OSF Sources	2026-27 ISF/IAT Sources	2026-27 FF Sources	2026-27 Total Request	2026-27 Exec Recommendation
520100	Exempt Perm Positions P/T&F/T	998.2	0.0	0.0	0.0	998.2	0.0
521100	Group Insurance Premium	153.4	0.0	0.0	0.0	153.4	0.0
521200	Retirement Contributions	192.8	0.0	0.0	0.0	192.8	0.0
521300	F I C A	76.7	0.0	0.0	0.0	76.7	0.0
521700	RHC Act Contributions	20.1	0.0	0.0	0.0	20.1	0.0
200	<i>Personal services and employee benefits</i>	1441.2	0.0	0.0	0.0	1441.2	0.0
<b>Total for Case Management Order (CMO)</b>		1441.2	0.0	0.0	0.0	1441.2	0.0

Fund	Account	Description	2024-25 Actuals	2025-26 Opbud	2026-27 PCF Proj	FY 2027 Agency Request				Total	Justification
						GF	OSF	ISF/IAT	FF		
00000	520100	Exempt Perm Positions P/T&F/T	0.0	0.0	198.68	0.0	0.0	0.0	0.0	0.0	
00000	521100	Group Insurance Premium	0.0	0.0	11.25	0.0	0.0	0.0	0.0	0.0	
00000	521200	Retirement Contributions	0.0	0.0	38.08	0.0	0.0	0.0	0.0	0.0	
00000	521300	F I C A	0.0	0.0	12.27	0.0	0.0	0.0	0.0	0.0	
00000	521700	RHC Act Contributions	0.0	0.0	4.95	0.0	0.0	0.0	0.0	0.0	
15500	520100	Exempt Perm Positions P/T&F/T	5,694.3	6,104.0	7,079.73	6,217.3	0.0	0.0	0.0	6,217.3	This funding aligns current employee salaries and benefits with the FY27 salary schedule proposed by AODA and approved by DFA. This adjustment is critical to ensure fair and competitive compensation when compared against other state agencies and assistant district attorneys in neighboring states.
15500	520200	Term Positions	49.1	0.0	0.22	0.0	0.0	0.0	0.0	0.0	
15500	520600	Paid Unused Sick Leave	12.2	0.0	0	0.0	0.0	0.0	0.0	0.0	
15500	520700	Overtime & Other Premium Pay	7.9	0.0	0	0.0	0.0	0.0	0.0	0.0	
15500	520800	Annl & Comp Paid At Separation	44.9	0.0	0	0.0	0.0	0.0	0.0	0.0	
15500	521100	Group Insurance Premium	483.7	789.1	830.94	942.0	0.0	0.0	0.0	942.0	This funding aligns current employee salaries and benefits with the FY27 salary schedule proposed by AODA and approved by DFA. This adjustment is critical to ensure fair and competitive compensation when compared against other state agencies and assistant district attorneys in neighboring states.
15500	521200	Retirement Contributions	1,097.1	1,110.8	1,340.87	1,132.6	0.0	0.0	0.0	1,132.6	
15500	521300	F I C A	433.0	448.1	437.27	456.8	0.0	0.0	0.0	456.8	
15500	521400	Workers' Comp Assessment Fee	0.7	0.8	0	0.0	0.0	0.0	0.0	0.0	
15500	521410	GSD Work Comp Insur Premium	18.4	26.2	0	19.6	0.0	0.0	0.0	19.6	GSD Work comp Insurance increased
15500	521500	Unemployment Comp Premium	5.0	5.8	0	0.0	0.0	0.0	0.0	0.0	
15500	521600	Employee Liability Ins Premium	67.7	96.1	0	116.8	0.0	0.0	0.0	116.8	Employee Liability rate increased considerably
15500	521700	RHC Act Contributions	114.0	101.3	142.34	101.3	0.0	0.0	0.0	101.3	
15500	521900	Other Employee Benefits	5.3	0.0	0	0.0	0.0	0.0	0.0	0.0	
25800	520100	Exempt Perm Positions P/T&F/T	0.0	0.0	48.89	0.0	0.0	0.0	0.0	0.0	
25800	520200	Term Positions	54.2	50.6	0.38	50.6	0.0	0.0	0.0	50.6	
25800	521100	Group Insurance Premium	4.9	12.8	24.38	12.8	0.0	0.0	0.0	12.8	
25800	521200	Retirement Contributions	3.7	9.4	9.41	9.4	0.0	0.0	0.0	9.4	
25800	521300	F I C A	1.4	3.8	3.03	3.8	0.0	0.0	0.0	3.8	

BU PCode  
25100 P251

**F4 PCode Detail**  
(Dollars in Thousands)

Fund	Account	2024-25 Actuals	2025-26 Opbud	2026-27 PCF Proj	FY 2027 Agency Request				Total	Justification	
					GF	OSF	ISF/IAT	FF			
25800	521400	Workers' Comp Assessment Fee	0.0	0.0	0	0.0	0.0	0.0	0.0	0.0	
25800	521700	RHC Act Contributions	0.4	1.0	0.98	1.0	0.0	0.0	0.0	1.0	
25900	520100	Exempt Perm Positions P/T&F/T	5.8	0.0	170.54	0.0	0.0	0.0	0.0	0.0	
25900	520200	Term Positions	82.6	86.0	0.67	86.0	0.0	0.0	0.0	86.0	
25900	520700	Overtime & Other Premium Pay	0.0	0.0	0	0.0	0.0	0.0	0.0	0.0	
25900	520800	Annl & Comp Paid At Separation	0.5	0.0	0	0.0	0.0	0.0	0.0	0.0	
25900	521100	Group Insurance Premium	5.1	10.0	13.44	10.0	0.0	0.0	0.0	10.0	
25900	521200	Retirement Contributions	16.4	15.4	32.75	15.4	0.0	0.0	0.0	15.4	
25900	521300	F I C A	6.4	6.9	10.55	6.9	0.0	0.0	0.0	6.9	
25900	521400	Workers' Comp Assessment Fee	0.0	0.0	0	0.0	0.0	0.0	0.0	0.0	
25900	521700	RHC Act Contributions	1.7	1.8	3.63	1.8	0.0	0.0	0.0	1.8	
	<b>200</b>	<b>Personal services and employee benef</b>	<b>8,216.6</b>	<b>8,879.9</b>	<b>10,415.24</b>	<b>9,184.1</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>9,184.1</b>	
15500	542100	Employee I/S Mileage & Fares	1.5	2.0	0	2.0	0.0	0.0	0.0	2.0	
15500	542200	Employee I/S Meals & Lodging	23.3	14.0	0	29.0	0.0	0.0	0.0	29.0	
15500	542500	Transp - Fuel & Oil	20.9	35.1	0	35.1	0.0	0.0	0.0	35.1	
15500	542600	Transp - Parts & Supplies	24.0	15.7	0	15.7	0.0	0.0	0.0	15.7	
15500	542700	Transp - Transp Insurance	3.6	3.4	0	3.7	0.0	0.0	0.0	3.7	
15500	543200	Maint - Furn, Fixt, Equipment	0.0	2.0	0	2.0	0.0	0.0	0.0	2.0	
15500	543400	Maint - Property Insurance	0.0	0.1	0	0.0	0.0	0.0	0.0	0.0	
15500	543500	Maint - Supplies	0.7	0.0	0	1.0	0.0	0.0	0.0	1.0	
15500	543820	Maintenance IT	0.0	2.5	0	5.0	0.0	0.0	0.0	5.0	
15500	543830	IT HW/SW Agreements	172.9	207.1	0	500.0	0.0	0.0	0.0	500.0	Increased costs for Expert Witness fees. Expert witnesses are essential for many cases set on a trial trajectory. Additionally, the FJDA is requesting funding for additional software improvement to assist with the implementation of the Case Management Order, software that will assist the FJDA in meeting the IPRA demands, and for the IT division's 3-year replacement plan
15500	544000	Supply Inventory IT	34.4	16.5	0	371.3	0.0	0.0	0.0	371.3	Increased costs for Expert Witness fees. Expert witnesses are essential for many cases set on a trial trajectory. Additionally, the FJDA is requesting funding for additional software improvement to assist with the implementation of the Case Management Order, software that will assist the FJDA in meeting the IPRA demands, and for the IT division's 3-year replacement plan

BU PCode  
25100 P251

**F4 PCode Detail**  
(Dollars in Thousands)

Fund	Account	2024-25 Actuals	2025-26 Opbud	2026-27 PCF Proj	FY 2027 Agency Request				Total	Justification	
					GF	OSF	ISF/IAT	FF			
15500	544100	Supplies-Office Supplies	12.9	12.0	0	13.0	0.0	0.0	0.0	13.0	
15500	544400	Supplies-Field Supplies	14.9	5.0	0	15.0	0.0	0.0	0.0	15.0	
15500	544900	Supplies-Inventory Exempt	36.4	15.0	0	50.0	0.0	0.0	0.0	50.0	
15500	545600	Reporting & Recording	70.7	70.0	0	150.0	0.0	0.0	0.0	150.0	Increased costs for Expert Witness fees. Expert witnesses are essential for many cases set on a trial trajectory. Additionally, the FJDA is requesting funding for additional software improvement to assist with the implementation of the Case Management Order, software that will assist the FJDA in meeting the IPRA demands, and for the IT division's 3-year replacement plan
15500	545710	DOIT HCM Assessment Fees	27.6	30.4	0	32.0	0.0	0.0	0.0	32.0	GSD rates increased
15500	545900	Printing & Photo Services	8.2	4.5	0	9.0	0.0	0.0	0.0	9.0	
15500	546100	Postage & Mail Services	2.1	5.0	0	2.5	0.0	0.0	0.0	2.5	
15500	546400	Rent Of Land & Buildings	7.8	10.0	0	8.0	0.0	0.0	0.0	8.0	
15500	546500	Rent Of Equipment	25.7	32.0	0	35.0	0.0	0.0	0.0	35.0	
15500	546600	Communications	45.9	52.0	0	55.0	0.0	0.0	0.0	55.0	
15500	546700	Subscriptions/Dues/License Fee	51.3	48.9	0	60.0	0.0	0.0	0.0	60.0	
15500	546800	Employee Training & Education	7.1	5.0	0	7.5	0.0	0.0	0.0	7.5	
15500	546900	Advertising	0.0	0.8	0	0.8	0.0	0.0	0.0	0.8	
15500	547900	Miscellaneous Expense	6.2	15.0	0	7.0	0.0	0.0	0.0	7.0	
15500	547999	Request to Pay Prior Year	0.2	0.0	0	0.0	0.0	0.0	0.0	0.0	
15500	548200	Furniture & Fixtures	0.0	0.0	0	0.0	0.0	0.0	0.0	0.0	
15500	548800	Automotive & Aircraft	10.0	0.0	0	0.0	0.0	0.0	0.0	0.0	
15500	549600	Employee O/S Mileage & Fares	1.1	5.0	0	1.5	0.0	0.0	0.0	1.5	
15500	549700	Employee O/S Meals & Lodging	1.4	2.0	0	1.5	0.0	0.0	0.0	1.5	
	<del>400</del> Other		<del>611.2</del>	<del>611.0</del>	<del>0</del>	<del>1,412.6</del>	<del>0.0</del>	<del>0.0</del>	<del>0.0</del>	<del>1,412.6</del>	
<b>TOTAL EXPENSE</b>			<b>8,827.8</b>	<b>9,490.9</b>		<b>10,596.7</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>10,596.7</b>	

BU PCode  
25100 P251

**Contract by PCode Detail**  
(Dollars in Thousands)

Fund	Account	#	Contract Purpose	Actuals	FY 2027 Agency Request				Total	Justification
					GF	OSF	ISF/IAT	FF		
15500	535100	1000	Medical Services	1.5	0.0	0.0	0.0	0.0	0.0	
15500	535200	1000	Professional Services	4.5	10.0	0.0	0.0	0.0	10.0	
15500	535300	1000	Other Services	21.1	30.0	0.0	0.0	0.0	30.0	
15500	535400	1000	Audit Services	24.3	25.9	0.0	0.0	0.0	25.9	
15500	535500	1000	Attorney Services	68.4	84.1	0.0	0.0	0.0	84.1	Contracts for prosecutors and investigators
43260	535200	1000	Professional Services	23.7	0.0	0.0	0.0	0.0	0.0	
43260	535300	1000	Other Services	32.2	0.0	0.0	0.0	0.0	0.0	
<b>TOTAL EXPENSE</b>				<b>175.7</b>	<b>150.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>150.0</b>	

# DFA Performance Based Budgeting Data System

## Annual Performance Report

**Agency: 25100 First Judicial District Attorney**

**Program: P251 First Judicial District Attorney**

The purpose of the first judicial district attorney program is to provide litigation, special programs and administrative support for the enforcement of state laws as they pertain to the district attorney and to improve and ensure the protection, safety, welfare and health of the citizens within Santa Fe, Rio Arriba and Los Alamos counties.

Performance Measures:		2024-25 Target	2024-25 Result	Met Target	Year End Result Narrative
Explanatory	Average time from filing of charges to final disposition for adults, in months	N/A	9	N/A	NA
Explanatory	Average time from filing petition to final disposition for juveniles, in months	N/A	4	N/A	
Explanatory	Number of pretrial detention motions made	N/A	172	N/A	
Explanatory	Percent of pretrial detention motions granted	N/A	40%	N/A	
Outcome	Average number of cases added to attorney caseloads	150	171	No	
Outcome	Number of cases prosecuted	150	3,604	Yes	The FJDA maintains that law enforcements ability to direct file felony charges without requires legislative scrutiny as prosecutors are not involved in the charging process. The probable cause for an officer to arrest is different from sufficient evidence to prove a case beyond a reasonable doubt and the charging process in NM must distinguish between arrests and cases viable for prosecution. Putting this distinction into practice with its screening process, the number of viable cases subject to felony prosecution should decrease.
Output	Average attorney caseload	150	209	Yes	
Output	Number of cases handled per attorney	0	0	Yes	
Output	Number of cases in which defendant was referred into a pre-prosecution diversion program	175	50	Yes	This measure only captures the number of defendants that opt for the formal preprosecution diversion program. (FY25 is 50) The FJDA asked that this measure change to "number of cases in which prosecution was diverted." (FY25 is 218). This measure was not changed and the AODA case management system does not capture the full "diversion picture."

**DFA Performance Based Budgeting Data System**  
**Annual Performance Report**

**Program:** P251 First Judicial District Attorney

Performance Measures:		2024-25 Target	2024-25 Result	Met Target	Year End Result Narrative
Output	Number of cases referred for screening	4,000	4,531	Yes	This measure is based on the number of criminal complaints that law enforcement files in magistrate court, which does not require prosecutor approval. As a result, and as the FJDA brings up each year, this measure improperly assumes that every criminal complaint is properly charged, results in a viable case, and is eligible for prosecution. This is inaccurate and misunderstands the FJDA screening process. Therefore, this measure is an inaccurate denominator for purposes of PBB.

**FIRST JUDICIAL DISTRICT ATTORNEY'S OFFICE**  
**FY27 Program Description**

The First Judicial District Attorney's Office ("FJDA") is obligated to provide prosecution services to the citizens of the State of New Mexico under Article VI, Section 24 of the New Mexico Constitution. The purpose of the FJDA is to enforce state laws and to ensure and improve the protection, safety, welfare, health, and quality of life for the citizens and visitors within Santa Fe, Rio Arriba and Los Alamos Counties. The FJDA services include prosecution, victim/witness assistance, diversion programs, trial preparation, law enforcement technical assistance, investigations, and community outreach.

**Projected Structure and Staffing as of September 1, 2024**

Total FJDA FTEs: 81

Attorneys: 33 (includes one grant funded ADA) 1 new Senior Trial Attorney

District Attorney: 1

Chief Deputy District Attorney: 5 (one is unfunded vacant position)

Intake: 5

Trial Team Santa Fe: 9

Trial Team Rio Arriba: 7

Juvenile - 1

Magistrate Court: 4

Los Alamos: 1

Support Staff, Support Staff Supervisors, and Preprosecution Diversion: 34 (includes one position partially funded by the HIDTA grant)

Victim Advocates: 6 (includes a position funded by the VOCA grant)

Investigators: 4

Administrative Team, 2

IT,-2

4- Vacancies as of August 31, 2025

33 – Attorney positions – 3 vacant. 2 which are used for vacancy savings

46 – Support staff – 1 vacant

**FY27 Budget Request**

FY26 Total Budget: \$8,729,404

FY 27 Total Request: \$11,420,604 which includes:

(1) Sustaining current FY25 budget: \$8,729,404

(2) Expansion Request: \$1,441,200

a. The Impending Case Management Order, Local Proposed Rule LR1-307 (10 FTE)

(3) Increase to Base: \$1,250,000

- a. 200 Category: \$300,000 – This funding aligns current employee salaries and benefits with the FY27 salary schedule proposed by AODA and approved by DFA. This adjustment is critical to ensure fair and competitive compensation when compared against other state agencies and assistant district attorneys in neighboring states.
- b. 300 Category: \$150,000 – The increased costs for contracts for prosecutors and investigators. Contracting with prosecutors is critical when the needs of the FJDA far exceed the staffing. Contracting with investigators is also critical to assist with process service because of the county sheriff's offices will not serve FJDA subpoenas consistent with the strict timelines imposed by court rules.
- c. 400 Category: \$800,000 – Increased costs for Expert Witness fees. Expert witnesses are essential for many cases set on a trial trajectory. Additionally, the FJDA is requesting funding for additional software improvement to assist with the implementation of the Case Management Order, software that will assist the FJDA in meeting the IPRA demands, and for the IT division's 3-year replacement plan.
- d. The FJDA is requesting an amendment to the appropriation language of bill that would extend any unspent funds at the end of FY26 to carry over into FY27. The \$100,000 is not necessary for the FJDA until January 1, 2026, after the current grant funding expires. Therefore, the FJDA only has 6 months to spend down this appropriation, which is not sufficient time. This amendment will allow the program to continue, uninterrupted and eliminates the need to request additional funding for FY27.

Anticipated vacancy rate for FY26: 2.0%

### **Accomplishments and Issues**

The landscape of criminal justice in the State of New Mexico is everchanging, which includes increased responsibility and scrutiny on public safety practitioners. Like our public defender counterparts, a prosecutor's job is high stakes and high stress. Unlike our public defender counterparts, prosecutors must balance constitutional obligations and arduous court mandates implemented outside the legislative process with the public's outcry and demand for safer communities. Upon implementation of the Supreme Court's Case Management Order (CMO) in January 2026, the FJDA will be in the impossible position to explain to the public why prosecution efforts are hampered by unilateral and unfunded court mandates that both the FJDA and Law Office of the Public Defenders (LOPD) opposed. After our FY26 budget request fell on deaf ears, we are against asking the budget authorities to help the FJDA meet these public safety demands so that cases in the FJD do not suffer the same fate as other districts forced to comply with the CMO.

Through the FY26 budget process, District Attorney Carmack-Altewies stressed the urgency of additional staffing to meet the unfunded mandate of CMO stating "all of the crime fighting initiatives will not improve our safety if prosecutors cannot prosecute." The legislature continues to send money to recruit police officers, but many ADAs and nearly all support staff are now paid less than the police, and all are paid less than the civil attorneys in state agencies. Increasing the number of police officers may result in more arrests and criminal charges, but while the felony

arrest/charge triggers court process and deadlines for the prosecution, rarely does the criminal complaint adequately account for sufficient evidence that supports a viable prosecution.

Most, if not all, of our nine (9) law enforcement partners continue to lack the staffing and resources that prioritize a high-quality investigation and collection of evidence over an immediate arrest. Moreover, law enforcement agencies lack the staffing, processes, and systems that guarantee that discovery is organized, complete, and produced in compliance with the rules and governing standards.

In its FY26 budget proposal, the FJDA submitted an expansion request to request 10 new positions but only received one senior trial attorney position. This is wholly inadequate to meet the demands of the CMO that becomes effective on January 1, 2026.

#### Local Proposed Rule LR1-307

Last year the FJDA stressed the importance of staffing structure that would allow the FJDA to proactively plan for the CMO. Again, the FJDA's repeated requests fell on the deaf ears of the Legislative Finance Committee. Simply stated, the FJDA cannot meet the front-loaded demands of the CMO with the current staffing structure and systems in place. The legislature gave additional positions and funding to the second judicial district when the CMO adversely impacted Albuquerque, why is the first judicial district treated differently?

In its evaluation of the resources that adjusting to CMO requires, the FJDA is requesting a total of ten full-time employees (10 FTE) to build out a unit that will work between intake and the trial team to ensure cases conform to incredibly strict mandates prior to the case proceeding with felony prosecution in district court. (This unit will handle most of the volume as intake will continue to file pretrial detentions and honor the expedited timelines for the most violent and prolific offenders.)

#### A paradigm shift: a law enforcement arrest and/or charge is not a "case referred for prosecution."

As LFC and DFA are aware, "cases referred for prosecution" is the baseline denominator for many of our performance measures. Not speaking for the other districts, the FJDA asserts that this is not a true reflection or baseline by which prosecution efforts should be measured. For example, this measure assumes that every case charged by LEAs is pre-screened for probable cause or viability. This, however, is not the case. In the FJD, the magistrate court accepts and files every criminal complaint submitted to the court. It has no bearing on the initiation of the felony criminal proceedings, whether an ADA has approved or denied the charges, asked for follow-up investigation, or if the charges in the complaint are correct. In summary, this measure assumes that each felony case filed by LEA is sufficient for prosecution, and the FJDA is measured by this incorrect assumption. It is unrealistic and unworkable to assume that the FJDA can approve every criminal complaint, but there must be a distinction between cases filed/charged in Magistrate Court by LEAs and cases that the FJDA determines are viable for prosecution.

As part of FJDA's data project and partnership with the New Mexico School of Mines and Technology, we are working towards an implementation of "Case Catcher," which is a true referral software system that interfaces between the FJDA and our law enforcement partners. Initially built as part of the Department of Justice Grant awarded to the Albuquerque Chamber of Commerce, this software is currently in its implementation phase between the Second Judicial DA's Office and the Albuquerque Police Department (APD). Despite hurdles and pushback from the Administrative Office of the District Attorney (AODA) we anticipate that Case Catcher will provide a useful tool in the early stages of a case. . Once gaps in process are identified, the FJDA expects to roll out the software and referral system for each of the FJDA's nine (9) law enforcement partners over the course of the next year.

### Grant Funding

In September 2019, FJDA, in collaboration with the New Mexico Sentencing Commission and the University of New Mexico, was awarded a three-year \$450k grant from the William T. Grant Foundation. This grant, titled "Reducing Ethnoracial Inequality: a Prosecutor-Led Community-Based Diversion Program for Juveniles and Young Adults, is a research-based initiative designed to create and evaluate a diversion program in the First Judicial District for juveniles (ages 12–17) and young adults (ages 18–25). The program is designed to (1) reduce recidivism, (2) be developmentally informed in ways that encourage young people to make successful transitions to adulthood, and (3) to reduce racial/ethnic disparities in the criminal justice process. The program considers the recommendations of justice system stakeholders and former justice system-involved youth and uses a community prosecution approach that involves collaborations between community agencies and researchers. The first stage: the development stage began on July 1, 2020. Due to COVID-19 and the impacts the pandemic had on the ability to move forward with the first phase of the grant, the FJDA applied for and received a no-cost grant extension through December 31, 2025.

For FY26, HB2, Chapter 160, Section 5, Item 17 the FJDA received \$100.0 to support this diversion program. This \$100.0 will become necessary once the grant expires on December 31, 2025. That said, the FJDA does not anticipate spending down the entire \$100.0 in six months between January 1, 2026, and June 30, 2026. Therefore, instead of asking for additional funding or a new appropriation for FY27, the FJDA is asking for a modification in the appropriation language that will allow any unspent funds in FY26 to carry over for use in FY27.

The FJDA sought and received grant funding for fiscal year 2025 from HIDTA (High Intensity Drug Trafficking Area) "Operation-Up the Ladder" in the amount of \$120,086. The HIDTA funding secures one prosecutor, and one support staff at the FJDA with the duties of providing front line prosecution for drug cases.

The FJDA has sought and received grant funding for fiscal year 2025 from the Victims of Crime Act (VOCA) in the amount of \$77,600. This provides for one (1) victim advocate.

The implementation of the CMO will far surpass the program and structure changes necessitated by the pretrial detention process and NMRA Rule 5-409, yet the FJDA accepts that the implementation of the CMO is a reality on January 1, 2026.

The District Court asserted that the FJDA can merely “reallocate” resources to comply with the CMO. As explained to the district court, this notion that the FJDA can adequately respond to the CMO as proposed is unrealistic. Other CMO districts, such as the Second Judicial District and Third Judicial District, required major funding and staff increases; the FJDA is not any different.

The FJDA contemplates an entirely new prosecution unit that will function in addition to the intake team and felony trial team. Comprised of ten (10) FTEs, this unit would be comprised of three (3) senior trial attorneys, four (4) support staff, one (1) victim advocate, one (1) information technology applications developer manager, and one (1) Investigator.

This information stems from an evaluation and assessment of the bandwidth and staffing of our law enforcement partners and from meeting with the Second Judicial District Attorney’s Office to evaluate how their operations adapted to the CMO demands. The FJDA request recognizes that the volume of cases in the Second Judicial District far exceeds that in the First Judicial District; therefore, the budget and staffing increases in the Second District Attorney’s Office (2DA) do not offer a fair comparable for the FDJA. As a result, the FJDA’s CMI implementation looks to the Albuquerque Police Department’s “Shield Unit” and reimagines it as a unit within the FJDA.

Created in 2017 and in response to the CMO, the APD Sheild Unit consists of up to twelve (12) employees who are responsible for “preparing thousands of criminal cases for prosecution.” APD Expands Shield Unit to Prepare Cases for Prosecution—City of Albuquerque (cabq.gov). While an APD unit, this team works out of the offices of the 2DA. Because the FJDA serves nine (9) different law enforcement agencies, it is more conducive to the system and structure of the first judicial district to create a unit within the FJDA that includes an IT project manager who can interface with the various systems of each agency, an investigator who can ensure quality and complete investigations, support staff that can organize the cases within our discovery system, attorneys to initiate the proceedings once the case is organized and complete, and an advocate who can interface with the victims to mitigate frustrations with a process that delays a case.

Since 2015, the FJDA’s Santa Fe Office has been waiting on Santa Fe County to procure, via RFP, start and complete critical building renovations. Each year the FJDA announces that the renovation is forthcoming, and each year comes and goes. The FJDA remains in limbo but was recently offered promising news that the county has a plan in motion. This plan would give the FJDA more office space, which could also help cure the space issue in Rio Arriba County. In Rio Arriba, the county authorities will not consider a larger office space in the city of Espanola. As a result, the Rio Arriba team cannot grow to meet the increasing demands and upticks in community crimes. It is the FJDA’s hope that with a new plan in motion in Santa Fe, the FJDA can grow a team that can work out of the Santa Fe Office but prosecute crimes occurring in Rio Arriba County.

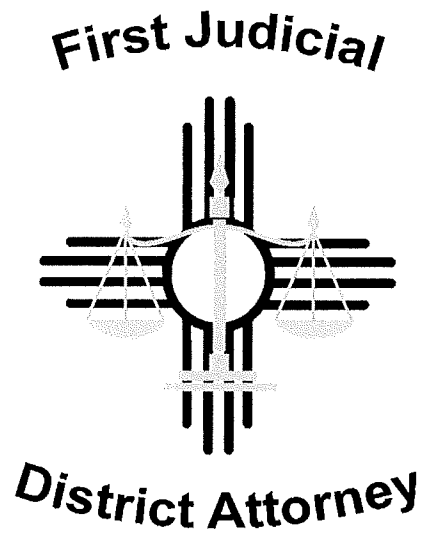
FDJA’s total increase to base is \$1,250,000. This increase to base includes:

- a. 200 Category: \$300,000 – This funding aligns current employee salaries and benefits with the FY27 salary schedule proposed by AODA and approved by DFA. This adjustment is critical to ensure fair and competitive compensation when

compared against other state agencies and assistant district attorneys in neighboring states.

- b. 300 Category: \$150,000 – The increased costs for contracts for prosecutors and investigators. Contracting with prosecutors is critical when the needs of the FJDA far exceed the staffing. Contracting with investigators is also critical to assist with process service because of the county sheriff's offices will not serve FJDA subpoenas consistent with the strict timelines imposed by court rules.
  
- c. 400 Category: \$800,000 – 400 Category: \$800,000 – Increased costs for Expert Witness fees. Expert witnesses are essential for many cases set on a trial trajectory. Additionally, the FJDA is requesting funding for additional software improvement to assist with the implementation of the Case Management Order, software that will assist the FJDA in meeting the IPRA demands, and for the IT division's 3-year replacement plan.
  
- d. The FJDA is requesting an amendment to the appropriation language of bill that would extend any unspent funds at the end of FY26 to carry over into FY27. The \$100,000 is not necessary for the FJDA until January 1, 2026, after the current grant funding expires. Therefore, the FJDA only has 6 months to spend down this appropriation, which is not sufficient time. This amendment will allow the program to continue, uninterrupted and eliminates the need to request additional funding for FY27.

# STRATEGIC PLAN FY 2027



AGENCY CODE: 25100

# FIRST JUDICIAL DISTRICT ATTORNEY STRATEGIC PLAN

## Introduction

The First Judicial District Attorney represents the people of the State of New Mexico and is comprised of three counties: Santa Fe, Los Alamos and Rio Arriba, and is charged with the duties of initiating and conducting prosecutions of criminal offenses and enforcing State laws pursuant to Article VI, Section 24 of the New Mexico Constitution.

The First Judicial District Attorney's Office maintains three offices, Santa Fe (main), Los Alamos (branch) and Rio Arriba (branch) each with the following staff and/or divisions:

- Intake Division
- Trial Division
  - Violent Crimes Division
  - Special Victim's Unit
  - General Felony Division
  - Drug Prosecution Division
  - Felony DUI Division
- Magistrate Court Division
- Investigations
- Victim/Witness Assistance Division
- Children's Court Division
- Pre-Prosecution Diversion Division
- Administrative Division

The First Judicial District encompasses 7916 square miles of north central New Mexico and serves over 202,000 residents. The First Judicial District Attorney, Mary Carmack-Altwies began her term January 1, 2021. It is the goal of the administration to enhance its working relationship with state and local law enforcement to make our communities safer. Our ability to work together between offices and divisions, as well as our ability to collaborate with state and local enforcement agencies is essential to achieve our goals.

This Strategic Plan responds to these challenges through three strategic goals focused on advancing the office's priorities and reflecting the outcomes the citizens and visitors of the First Judicial District deserve.

## **Agency Vision Statement**

Enhance community safety by processing all cases referred to the First Judicial District Attorney's Office in an expeditious and impartial manner, collaborating with criminal justice partners and the public at large, maximizing the efficient use of technology and staff, and preserving the integrity and professionalism of the office while meeting all constitutional and statutory mandates.

## **Agency Mission Statement**

The mission of the First Judicial District Attorney is to reduce crime through fair, just, and victim-centered prosecution by targeting violent and prolific offenders and selecting and diverting substance use disorder and mental health related offenses from the criminal justice system.

## **Program Purpose Statement**

The First Judicial District Attorney's Office is obligated to provide prosecution services to the citizens of the State of New Mexico under Article VI, Section 24 of the New Mexico Constitution. The purpose of the Prosecution Program is to enforce state laws and to ensure and improve the protection, safety, welfare, health, and quality of life of the citizens and visitors within Santa Fe, Rio Arriba and Los Alamos Counties. The Program's services include investigation, victim/witness assistance, trial preparation, administration, law enforcement technical assistance, and community outreach. Beneficiaries of the First Judicial District Attorney's Office services are the citizens of New Mexico and its visitors, because prosecuting those suspected of criminal activity is essential to ensure equal justice under the law.

## **Goals**

1. Protect citizens of the First Judicial District from victimization and/or re-victimization.
2. Ensure accountability for violators of criminal statutes that are commensurate with the offense.
3. Provide prompt cooperation and collaboration with other entities in the criminal justice system.

The First Judicial District Attorney embodies these strategic goals into its management and operations to ensure a more efficient and unified office. This involves setting long-term goals and objectives, translating those goals and objectives into program or division plans, monitoring performance and evaluating the results.

## **Objectives & Strategies**

**Goal #1** - Protect citizens of the First Judicial District from victimization and/or re-victimization.

**Objectives:**

- A. To expand community outreach efforts in order to increase prevention services.
- B. To expeditiously process criminal cases in order to ensure that convicted offenders receive just and equitable sentences/sanctions.
- C. To provide meaningful and timely services to victims of crime in order to minimize possible re-victimization.

**Strategies :**

These objectives can be met through the use of community prosecution concepts, the wide array of sentencing options that are available in each community, and a coordinated response to the short and long-term needs of victims.

**Goal #2** - Ensure accountability for violators of criminal statutes that is commensurate with the offense.

**Objectives:**

- A. Effectively and efficiently screen all cases in order to maximize staff time and efforts and to ensure swift resolution of each case.
- B. To obtain the necessary staffing levels in order to ensure that caseloads are manageable and realistic.
- C. To give priority to cases involving violent offenders in order to ensure that they are processed by the most experienced staff members and in compliance with all laws.

**Strategies:**

These objectives can be met through the use of valid screening procedures, periodic workload assessments, and the continuation of specialized prosecution units within the Office.

**Goal #3** - Provide prompt cooperation and collaboration with other entities in the criminal justice system.

**Objectives:**

- A. To maintain a full staff in order to adequately staff all divisions within the office.
- B. To ensure that staff receive regular training and/or re-certification in their areas of expertise in order to maintain a high level of professionalism.
- C. To streamline processes with agencies in order to comply with timelines, policies, and procedures.

**Strategies:**

These objectives can be met through the use of retention efforts aimed at reducing staff turnover, the funding of staff development programs and opportunities, and by regularly attending multi-disciplinary meetings and conferences that involve entities at the local, state and federal levels.

## **Performance Measures**

<u>Type</u>	<u>Measure</u>
Output	Number of cases referred for screening
Output	Number of cases prosecuted
Output	Average number of cases added to attorney caseloads
Output	Average attorney caseload
Output	Number of cases in which defendant was referred into a pre-prosecution diversion program

### **Summary**

The overall mission of the First Judicial District Attorney's Office is to prosecute violations of state laws to provide protection to its citizens, hold offenders accountable, and cooperate with other criminal justice entities. The Agency provides an array of services such as criminal prosecution, investigations, victim assistance, trial preparation, administration, and community outreach. The objectives and strategies associated with these services ensure that the Agency's goals and performance measures are met.

Funding for the First Judicial District Attorney is legislatively appropriated by the State of New Mexico, with limited funds coming from federal grants such as the High Intensity Drug Traffic Area (HIDTA), and Victim of Crime Act (VOCA). The FJDA also has one private grant for youth and emerging adult diversion, funded by the William T. Grant Foundation. The office is authorized 81 full-time employees whose positions are funded by the General Fund. There are also 5 term employees who are partially funded from the federal grants mentioned above. The majority of all funding received by the First Judicial District Attorney's Office is dedicated to personnel cost, the remaining budget is expended on essential needs such as office equipment rental, telecommunications, postage, annual audit fees, Do-IT services, HCM fees, attorney bar association dues, expert witness fees, reporting and recording fees, supplies, and training for the purpose of retention.

**EXPANSION REQUEST  
CASE MANAGEMENT ORDER (CMO)**



## Agency Expansion Request Justification

New Mexico agencies making significant requests to expand agency budgets, other than workload changes, or for large special appropriations that appear to expand an agency’s recurring budget are being asked to assess the proposals and report on their purpose, potential for success, and plans for implementation and accountability in accordance with the [Budget Guidelines of the New Mexico Legislative Finance Committee \(LFC\)](#) and LFC's [Legislating for Results Framework](#).

### 1 Program Premise

What public problem does this program seek to address? How will this program address the problem? Does the proposed program link to a goal in the agency’s strategic plan?

What is the extent of the problem stated in numerical, geographic, and equity terms? What portion of the total need identified does this program seek to address?

### 2 Needs Assessment

### 3 Program Description

What specific activities in the program will achieve these expected program outcomes? What are costs per person or activity? Once the program is fully operational, what are the estimated ongoing annual costs?

Is the program based on evidence or research or a promising practice? Will it need formal evaluation?

### 4 Research and Evidence

### 5 Implementation Plan

What activities are needed to implement the program? How much will it cost? What is the timeline for each startup activity?

Will the program be implemented with equity and fidelity? Do you have a checklist of the program components need to achieve the impacts?

### 6 Fidelity Plan

### 7 Measurement and Evaluation

What specific outcomes are expected? What are key performance measures? How often will the program be measured and evaluated?

## Agency and Expansion Request Information

Agency: First Judicial District Attorney's Office ("FJDA")

Short Title of Request: FJDA FY27 Expansion Request

Expansion 1: The impending Case Management Order, Local Proposed Rule LR1-307

Point of contact for follow-up information:

Name: C. Renee Padilla

Title: Chief Financial Officer

Phone: 505-629-5202

E-Mail: rpadilla@da.state.nm.us

Is the requested expansion solely the result of a workload change? No

***If yes, no further information is needed. If no, please provide narrative responses addressing item below.***

# 1. Program Premise

## **FJDA Expansion 1: The Case Management Order, Local Proposed Rule LR1-307**

In this section, provide information describing the problem this funding is proposed to address.

**a.** Why is this expansion needed and what problem or need it is attempting to address?

In its FY26 request and supporting documentation, the FJDA stressed the importance of staffing structure that would allow the FJDA to proactively plan for the CMO. Again, the FJDA's repeated requests fell on the deaf ears of the Legislative Finance Committee. Simply stated, the FJDA cannot meet the front-loaded demands of the CMO with the current staffing structure and systems in place. The legislature gave additional positions and funding to the second judicial district when the CMO adversely impacted Albuquerque, why are the first judicial districts needs ignored.

In its evaluation of the resources that adjusting to CMO requires, the FJDA is requesting a total of ten full-time employees (10 FTE) to build out a unit that will work between intake and the trial team to ensure cases conform to incredibly strict mandates prior to the case proceeding with felony prosecution in district court. (This unit will handle most of the volume as intake will continue to file pretrial detentions and honor the expedited timelines for the most violent and prolific offenders.)

**b.** How does this request differ from existing programming?

The CMO completely changes the criminal legal practice and process in the First Judicial District. This monumental change is one reason why even the local Law Office of the Public Defenders are opposed to this measure. Moreover, for the Supreme Court to make these massive policy changes with no funding to the stakeholders runs afoul of our district's (and state's) outcry for more, not less, public safety measures.

**c.** How does the requested program fit into the agency's strategic plan?

The CMO and its implications undermines the FJDA's strategic plan. The FJDA goals are:

1. Protect citizens of the First Judicial District from victimization and/or re-victimization.
2. Ensure accountability for violators of criminal statutes that are commensurate with the offense.
3. Provide prompt cooperation and collaboration with other entities in the criminal justice system.

Under the terms of the proposed CMO, the FJDA cannot meet and honor its goals and strategic plan with the status quo and existing resources. This is not an issue of reallocating resources: the FJDA is fully staffed, and existing staff have caseloads that far exceed the national average.

As the State has seen in the Second and Third Judicial Districts, the result of the CMO is 100s (if not 1000s) of dismissed cases. This means that technicalities and administrative rules prevail at the expense of protecting citizens and ensuring the accountability of offenders as required by the FJDA strategic plan.

**d.** Has the agency developed a logic model describing the agency's theory of change?

No

**e.** If yes, please provide a copy of the logic model as a picture below or as an additional attachment with the form as part of the agency's submission in BFM. If no, please contact your LFC or DFA analyst for assistance in developing a logic model.



## 2. Needs Assessment

In this section, provide specifics on the extent of the problem this proposal proposes to solve.

**a.** What is the extent of the problem to be addressed?

There is a sense of urgency with this request. Last year, the FJDA had time to proactively plan. That is not the case this year.

The CMO's effective date is January 1, 2026, and pursuant to the FJDA's request, the expansion is necessary to meet the CMO demands. The FJDA has worked to put new processes into place, but to ask a large state agency facing the issues that a New Mexico prosecutor's office faces to meet the arduous demands of a massive unfunded mandated like the CMO is fundamentally unfair. The FJDA can not do more with the status quo.

**b.** What is the total statewide need in numerical or geographic terms? If applicable, this may include a description and analysis of historically unserved or underserved populations.

The first judicial district encompasses 7916 square miles of north central New Mexico and services over 202,000 residents. On average, the first judicial district screens over 4000 felony, misdemeanor domestic violence, and misdemeanor driving while under the influence of alcohol or drugs each fiscal year.

**c.** What percentage of the previously identified total statewide need does this request seek to address?

The additional unit would be a part of our centralized intake team which serves the entire first judicial district but is housed out of the Santa Fe Office. The staff working in the new unit would be responsible for travel to Rio Arriba and Los Alamos Counties, as needed.

### 3. Program Description

In this section, provide information detailing activities, costs, and benefits of the proposal.

- a. How much is the agency's request for FY27 and from what source is the agency requesting additional funding?

**\$1,441,200.00**

- b. Provide a list of specific activities that will be carried out if this request is granted.

**1 Victim-Witness Coordinator \$86,388, 2 Prosecution Specialists \$144,910, 2 Prosecution Senior Assistants \$118,632, 4 Senior Trial Attorney \$531,784, 1 IT Applications Developer Manager \$116,515, plus \$443,000 for benefits.**

- c. Provide a cost per unit for the funding (such as the cost per individual or cost per activity).

Click or tap here to enter text.

- d. If available and applicable, provide a benefit-to-cost ratio for this program (the total monetized benefits divided by total costs).

Click or tap here to enter text.

- e. Does the agency anticipate additional increases above the FY27 request will be needed in future years to continue to operate the program? If so, please describe these additional expenses and projections of future financial needs.

**No**

## 4. Research and Evidence Categorization

In this section, provide information regarding the evidence and research supporting your request.

- a. As defined in [New Mexico's Accountability in Government Act](#), specify whether your program is evidence-based, research-based, a promising program or practice, or none of the above.

None

- b. Please provide any references or links to relevant research supporting your categorization. For example, sources may include published research or categorization provided by [clearinghouse databases](#).

By way of unilateral decision, on December 21, 2023, the First Judicial District Court initiated the formal rulemaking process for Local Proposed Rule LR1-307 (LR1-307). Otherwise known as the Case Management Order (CMO), the rule usurps legislative and executive authority and will upend public safety efforts in the first judicial district.

- c. How will you evaluate the program to confirm your categorization?

Click or tap here to enter text.

## 5. Implementation Plan

In this section, describe all activities related to implementation of your proposal (What, when, where, who, and how) by addressing the following items:

- a. What are the training and startup requirements for the proposed program?

The training and startup requirements are different now that the CMO is effective before the FY27 budget cycle begins. This puts the FJDA at a disadvantage that District Attorney Carmack-Altwies actively sought to avoid during the last budget cycle. As stated, the CMO ramifications are dire and the FJDA lacks the necessary resources to meet the CMO demands.

The FJDA has already procured and is working on implementing a crucial case referral system. This software, “Case Catcher” was developed in partnership with the New Mexico School of Mines and Technology. Currently, the FJDA and NM Tech are working on rolling this software out with the Santa Fe County Sherriff’s Office on a small subset of cases. This pilot will inform the next steps as the FJDA plans on implementing this software as necessary step to a case referral process throughout the district and with all of its law enforcement partners. This FJDA anticipates that this rollout and implementation with its nine (9) law enforcement partners will take somewhere between 12-18 months.

Click or tap here to enter text.

- b. Provide an estimated timeline for implementation of activities. Include planned benchmarks, milestones, and a target date for full implementation. If the request includes new FTE, provide your current vacancy rate and plan for recruitment.

**Current Vacancy Rate 2.5%**

Again, contingent upon when the unilateral CMO mandate is adopted.

## 6. Fidelity Plan

In this section, provide information regarding how you will ensure your proposal is delivered as intended.

- a. Describe key components critical to the success of your program.

**Contingent upon funding.**

Click or tap here to enter text.

- b. Provide a checklist or specific process metrics you will use to ensure component parts are implemented, including equity if applicable.

Click or tap here to enter text.

## 7. Measurement and Evaluation Plan

In this section, provide information about measuring outcomes and the impact of your proposal.

- a. What measurable outcome is the agency trying to achieve with the requested expansion?

Reduce the number of dismissals that are an inevitable result of the proposed CMO. With proper funding and a proactive opportunity to prepare the FJDA can create a process and system that comports with the CMO mandates. The expansion will ensure that only complete cases move forward therefore focusing on the quality of cases versus the quantity of the caseloads (a PBB measure we have refuted as an appropriate accounting of the prosecutorial process for many years). With proper preparation, the FJDA is not opposed to the CMO and if implemented productively and with stakeholder engagement will reduce caseloads for prosecutors, defense attorneys, and the courts.

- b. Will the requested program affect any existing performance measures?

**Yes**

- i. If yes, which performance measures will be affected?

**Average time from filing of charges to final disposition for adults, in months**

**Number of cases prosecuted**

**Number of cases referred for screening**

**Average number of cases added to attorney caseloads**

**Average attorney caseload**

- c. What program outputs will the agency measure?

Click or tap here to enter text.

- d. What efficiency metrics will the agency monitor?

Click or tap here to enter text.

- e. Does the agency have baseline data for the proposed measures?

**No**

- i. If yes, please provide baseline data.

Click or tap here to enter text.

- ii. If no, when and how does the agency anticipate collecting baseline data?

New Mexico is a unique state that allows law enforcement officers to direct file charging documents to initiate a felony prosecution without the approval of the prosecution authority. This presents a problem in that the probable cause to arrest is categorically different from whether a case is supported by sufficient (admissible) evidence to prove felony charges beyond a reasonable doubt. This problem is compounded by Magistrate Court rules that do not allow a Magistrate Court Judge to reject or dismiss a criminal complaint for the lack of sufficient cause. The CMO frontloads the felony process in such a way that requires the prosecution screen and capture only the felony cases supported by sufficient evidence beyond

a reasonable doubt. This is a critical shift to the direct file process in New Mexico, one that the CMO requires, and one that requires an entirely new unit within the

This new process changes the denominator by which the FJDA is measured. The denominator “cases referred for screening” will no longer be based upon the number of criminal complaints directly filed by law enforcement agencies and will instead be based upon the number of cases, referred with complete discovery and a complete investigation, that are viable for prosecution.

- f. How often will the agency collect and report on these performance metrics?

**Via Case Catcher and queries in the existing Case Management System (and new case management system if funded/implemented)**

- g. How do you plan to share the results of your program with the public and the Legislature?

**Upon request or via the standard PBB reporting process.**



STATE OF NEW MEXICO

**First Judicial District Attorney**

Santa Fe, Rio Arriba & Los Alamos Counties

**Mary Carmack-Altwhies**  
District Attorney

**Santa Fe Main Office**  
327 Sandoval Street  
PO Box 2041  
Santa Fe, NM 87504-2041  
Telephone: (505) 827-5000  
Fax: (505) 827-5076

**Espanola Office**  
1122 Industrial Park Road  
PO Box 1209  
Espanola, NM 87532  
Telephone: (505) 753-7131  
Fax: (505) 753-7133

To: Chief Judge Biedscheid, First Judicial District

Cc: Supreme Court Chief Justice David K. Thompson, through Ann Keith, General Counsel to the Chief Justice

From: District Attorney Mary Carmack-Altwhies

Date: August 5, 2024

Re: Local Proposed Rule LR1-307

The First Judicial District Attorney's Office (FJDA) hereby submits the following memorandum with respect, yet, with frustration regarding many things overlooked or oversimplified in the June 28, 2024, "First Judicial District Court's Response to Public Comments to Proposal 2024-019" (hereinafter, "Response"). In many ways, the District Court's Response ignores or understates state and local process and operations; further, it demonstrates a disregard for the infrastructure of government agencies outside of itself.

The entire rationale of the proposed Case Management Order (CMO) is predicated on one issue, and that is the First Judicial District Court's longer than average disposition times in criminal cases. First Judicial District Court's Responses to Public Comments to Proposal 2024-019 (June 28, 2024) (hereinafter, "Response") at 1, ¶1 (stating, "[d]ata shows that the disposition times from criminal matters in the FJDC are longer than those in other districts.")<sup>1</sup> However, this rationale is

---

<sup>1</sup> The District Court has never provided the FJDA and stakeholders with this data, methodologies, or findings.

purely an administrative perspective that both the FJDA and Law Office of the Public Defenders (LOPD) (the two front-line agencies doing the work) oppose. Both the FJDA and LOPD have proposed solutions to address the purported disposition time issue, yet these proposals were unilaterally rejected by the District Court.<sup>2</sup>

Despite its assurances for a collaborative and thoughtful process, the District Court failed to confer with or engage critical public safety partners in the First Judicial District, thereby denying these city, county, tribal, and state partners a valuable opportunity to plan and prepare for the CMO. Therefore, the manner and means by which this process unfolded is unfair, and the District Court's administrative rationale of "disposition times" runs afoul of our district's outcry for safety and resources.

Now, with the comment period closed and no opportunity to further respond, the FJDA is hereby asking the District Court to clarify and/or supplement its Response to include the following timeline and points.

#### **TIMELINE**

**September 1, 2023:** Along with every other state agency, including the District Court's, the FJDA's FY25 budget was due to the state budget authorities.

**September 25, 2023:** The District Court sent the agenda for the September 26, 2023, Criminal Justice Coordinating Council Meeting ("CCJC") via email listserv. The agenda was the first time the FJDA received notice of or was alerted that the District Court was contemplating a Case Management Order (CMO).

**September 26, 2023:** For the first time, Chief Judge Biedscheid announced his intention of bringing the CMO to the First Judicial District. To mitigate the surprise and concern of the stakeholders, Chief Judge Biedscheid discussed the CMO in vague terms and assured the attendees that the CMO process would be collaborative and thoughtful. The timing of the District Court's

---

<sup>2</sup> In an August 5, 2024, email to DA Carmack-Altwies, District Defender Ball reiterated her position stating, "[w]hile I strongly agree with your concerns regarding the lack of communication and collaboration on this major restructuring of process and operations, most of the implementation issues you raise are specific to your office and law enforcement and inapplicable to the Santa Fe Trial Office of LOPD. However, I would add that the implementation of Local Rules by fiat makes the Criminal Justice Coordinating Council, NMSA 1978, § 31-28-3 (2023), superfluous."

proposed CMO was neither mentioned nor discussed, and it was certainly not announced as a FY25 Court initiative.

**November 15, 2023:** First Judicial District Attorney Mary Carmack-Altwies and First Judicial District Defender Julie Ball sent an email to Chief Judge Biedscheid proposing a pilot program to reduce the disposition times in the First Judicial District. The FJDA continues its efforts in collaboration with LOPD to improve processes and rectify delays in disposition.

**December 1, 2023:** Chief Judge Biedscheid rejected the proposed pilot program, citing administrative concerns. Despite the opportunity to do so, Chief Judge Biedscheid's email failed to notify or inform the District Attorney or District Defender that the CMO was currently in draft form and that the District Court planned to move forward with an upcoming rulemaking cycle at the end of the month.

**December 21, 2023:** Unbeknownst to any of the stakeholders, the District Court sent the proposed CMO to the New Mexico Supreme Court to initiate the rulemaking process.

**January 5, 2024:** Nine (9) business days later, the District Court notified the stakeholders that it had unilaterally, without any stakeholder engagement in the drafting process, submitted the proposed CMO to the Supreme Court. Since September 26, 2023, this was the first mention of the CMO now progressing towards the March 2024 rulemaking cycle.

**January 11, 2024:** District Defender Julie Ball requested a meeting with the Supreme Court Justices to discuss the CMO and concerns that "major stakeholders are not being included in the CMO process in the 1st."

**January 12, 2024:** Chief Judge Biedscheid responded to District Defender Ball's concerns about the lack of stakeholder engagement and set a meeting for January 26, 2024, to address the ongoing concerns. In this email, Chief Judge Biedscheid reiterated that the stakeholders would have a "tremendous opportunity for input." Ex. 1.

**January 16, 2024:** The Supreme Court responded to District Defender Ball's email, mitigating the FJDA's and LOPD's surprise and concerns by writing that, "if the Court does decide to discuss whether a CMO should be implemented in the First Judicial District," the Supreme Court would invite District Defender Ball, District Attorney Carmack-Altwies, and Chief Judge Biedscheid to the discussion. Email from C. Shannon Bacon, Chief Justice, New Mexico Supreme Court, to Julie Ball, District Defender, and Mary Carmack-Altwies, District Attorney, First Judicial District (Jan. 16, 2024). Ex. 2.

**April 12, 2024:** Along with numerous others opposing, the FJDA submitted its Comment in opposition to Local Proposed Rule LR1-307 to the Supreme Court. Every comment submitted during the public comment period opposed the proposed CMO.

**July 3, 2024:** More than three (3) months since the Public Comment period ended, the FJDA received the District Court's June 28, 2024, Response.

The timeline above is critical for several reasons. First, the District Court first announced the CMO on September 26, 2023, nearly a month after all agency FY25 budgets were due to the budget authorities. Giving the District Court the benefit of the doubt, the FDJA considers this an administrative oversight versus an intentional plan to hamstring FJDA efforts to prepare.

Second, the timeline demonstrates that from September 25, 2023, to July 19, 2024, there had been no meaningful engagement with the stakeholders about the District Court's plans, process, or intentions. Each District Court correspondence came after-the-fact or late to an incomplete roster of stakeholders on the email listserv, and every correspondence, to date, has come as a surprise to those stakeholders on the email.

Third, contrary to the District Court's guarantees, the timeline shows that the process has not been collaborative. Instead, the District Court's final actions were disseminated without prior notice or without the buy-in of critical partner agencies impacted by the CMO. To date, many partners remain in the dark.

Finally, there have been long lapses in time throughout this process, and "measuring" it as "fifteen months" is an inaccurate accounting of time. Response at 2, ¶ 3. This, coupled with sporadic, vague, and late communications about the process, has further impeded any agency's ability to properly plan and prepare for a unilateral and unfunded mandate that upends the criminal justice system in the First Judicial District.

### **THE FY25 BUDGET PROCESS**

The District Court's Response ignores the government budget process that state agencies must adhere to each year. On September 26, 2024, when the District Court first announced its intention to pursue a CMO, the announcement omitted any mention that the District Court was

working towards a FY25 implementation date. Critically, the timing of the District Court's announcement on September 26, 2023 was nearly thirty (30) days after the state's budget process closed for Fiscal Year 2025 (FY25). As the District Court is aware, September 1 is an inflexible and annual deadline imposed upon all state agencies. The District Court's poor planning by vaguely announcing its intention to work towards the CMO on September 26, 2023, completely hamstrung the FJDA in its ability to request *any* resources to adjust and adapt to a FY25 CMO implementation. Frankly, the District Court's September 26, 2023 "announcement" was too late to contemplate a CMO implementation date of January 1, 2025, or even July 1, 2025. This is the basis for the FJDA's request for an implementation date, if any, of January 1, 2026.

The District Court's Response states that "the District Court announced its intent to propose a CMO to allow stakeholders to **reallocate** resources to comply with the timelines announced herein." Response at I.a. (emphasis added). This phrase implies that the implementation of the CMO can occur within the current budget and staffing of the FJDA. Further, this statement presumes that *all* stakeholders, including law enforcement agencies, should merely reallocate existing resources. The District Court makes this presumption despite implicitly acknowledging that the District Court did not meet with law enforcement prior to the drafting of the CMO. Response at I.c. ("[T]he District Court does not have access to law enforcement department policies to determine whether they meet the standard required by LR1-307(C)(1).") If the District Court did not meet with law enforcement prior to the drafting to learn about law enforcements' policies or resource limitations, then how could it be appropriate for the District Court to direct law enforcement on how to reallocate those resources?

This is unrealistic and demonstrates how unfamiliar the District Court is with the overall operations, budget, staffing, IT, and physical infrastructure of the FJDA. Similar CMOs in other

districts have required major funding and staff increases, not a seemingly simplistic “reallocation” of existing staff and funds. Response at Ia.

In its FY26 budget request, the FJDA plans on submitting a request for a budget increase/expansion. The FJDA has initially projected, and this is subject to change, that the CMO requires an increase total of eleven (11) full-time employees, which includes a combination of attorneys and support staff to meet the CMO demands. Reallocating and maintaining the current staffing structure of overworked and underpaid employees is not a feasible expectation and runs afoul of our public safety responsibilities. It is untenable for the District Court to assert and thereby demand that the FJDA do far more with the status quo.<sup>3</sup>

#### **THE FJDA’S INFRASTRUCTURE AND DEMANDS**

In recent years, the FJDA has made great strides in improving our IT infrastructure; however, there are still technological pitfalls and bandwidth issues in the FJDA Santa Fe and Española offices and also in network operations in the Santa Fe and Rio Arriba courthouses. In September 2023, the FJDA implemented Axon (also known as Evidence.com) as its discovery repository. Although Evidence.com has been in place for nearly a year, the FJDA continues to work alongside LOPD to navigate their separate IT bureaucracies and platforms and to develop the proper sharing process. There is no question that this software improves the discovery process, but additional time is necessary to shore up the cataloging, sharing, and retention process with our LOPD partners.

Additionally, the FJDA determined that case referral software for our law enforcement partners is essential to the CMO roll-out. As a result, the FJDA has worked alongside New Mexico

---

<sup>3</sup> As of July 19, 2024, the FJDA is fully staffed.

Institute of Mining and Technology (NMT) to create a case referral software for the FDJA that interfaces with Axon as our discovery software. The software is almost ready to pilot on a small scale with the Santa Fe County Sheriff's Office, but the pilot is limited to a single case type (misdemeanor DWIs). As it is with any IT project, implementation across various agencies takes a great deal of time, and the FJDA anticipates that the districtwide implementation for all case types and with each of our eight (8) partner agencies will take twelve (12) to eighteen (18) months.

The statewide District Attorneys' case management system is also changing. This is a statewide project outside the control of the FDJA, but the Administrative Office of the District Attorneys (AODA) has indicated that the project and its integration is forthcoming. This will do away with the longstanding Case Management System (CMS) and move to a procured off-the-shelf prosecutor system. This drastic and widescale change of case management systems must be considered alongside all the other issues presented.

Finally, since at least 2014-2015, the Santa Fe Office of the First Judicial District Attorney has been waiting on Santa Fe County to renovate our office space. This has been an uphill battle; however, Santa Fe County has gone through the RFP process and expects to start the massive renovations in FY25. This means that the entire Santa Fe Office will be moving to a temporary and off-site location. This is going to present significant challenges with daily operations, IT infrastructure, and computer networks, and adding the implementation of a CMO on top of a complete office move is unworkable.

Again, had there been a more open forum of communication, the District Court would have been briefed on this important operational information from all stakeholders in the First Judicial District before the District Court considered the CMO.

### STAKEHOLDER ENGAGEMENT NEGLECTED:

The CMO is an unfunded and unilateral mandate that leaves many partner agencies in the dark. In its Response, the District Court acknowledges that the “implementation of a CMO is very demanding on all stakeholders,” and further explains this is why the “District Court chose a formal, fifteen-month long process.” Response at 2, ¶3. As previously stated, this assertion implies that the FJDA and impacted partners had a valuable opportunity to prepare for the implementation of the CMO. This is simply not the case.

Nearly ten (10) months have lapsed since the District Court’s September 26, 2023 announcement and guarantee of a collaborative process at the CCJC meeting, yet throughout this period there have been not being any interviews, conversations, data sharing, or queries with critical stakeholders. Moreover, the District Court did not hold any meetings, forums, question and answer sessions, nor are there other provable indicators of collaboration or engagement outside the periodic and after-the-fact emails to limited stakeholders on the CCJC email listserv. Despite District Defender Ball’s January 11, 2024, concerns that “major stakeholders are not being included in the CMO process,” the District Court still unilaterally forged ahead without any updates or meetings to confer about the District Court’s direction and plan. In sum, the District Court’s guarantees of a collaborative process fell far short and leaves the First Judicial District partners and state stakeholders that are adversely impacted by the CMO completely in the dark.

As an example, in its Opposition to the CMO, the FJDA noted specific concerns about the CMO binding the New Mexico Department of Public Safety – Forensic Laboratory Division. FJDA Public Comment to Proposed Rule LR1-307 (hereinafter, “FJDA Comment”) at 10-11. At the time of its comment, the FJDA explained that Katharina Babcock, Laboratory Director for DPS, “was not contacted or conferred with about this proposed CMO despite its direct and massive

impact upon the forensic lab.” FJDA Comment at 10. Even after raising these concerns, it appears from the District Court Response that they still have not conferred with or discussed the CMO and its implications with DPS; the District Court cites only to the DPS website, a perusal nonengagement which neglects to address any of the substantive issues raised by the FJDA and Forensic Laboratory Director Babcock. Response at I.d. Instead of leading the effort it initiated, the District Court shifted the responsibility to confer and engage and implement upon the commentors and stakeholders. *Id.* This shifting of responsibility has extended to the District Court stating that the stakeholders, which had no input in the creation of the CMO, are expected to reallocate their existing resources to implement the District Court’s unilateral mandate.

The FJDA assumes that the DPS Crime Lab is not the only stakeholder left out of the District Court’s process and that most of the local law enforcement agencies would assert that they remain wholly unaware of the “formal” rulemaking process, the CMO, and its large implications on the criminal justice process in the First Judicial District. <sup>4</sup> Response at 2, ¶3. Along with DPS, law enforcement partners impacted by the CMO each have their own oversight authority, independent budget and budget process, staffing, and discovery process and discovery systems. The District Court’s failure to engage law enforcement partners is deeply concerning and allows the District Court, post-implementation, to conveniently skirt any administrative and public safety accountability for the “difficult” transition period. Response at 2, ¶4.

Referring to the transition period as “difficult,” is a gross understatement. *Id.* “Difficult” does not accurately capture the reality of what the Second and the Third Judicial District Attorney’s Offices and their law enforcement partners faced when similar CMOs were forced upon them in

---

<sup>4</sup> These eight (8) local law enforcement partners include the Santa Police Department, Santa Fe County Sheriff’s Office, New Mexico State Police- Division 1, New Mexico State Police- Division 7, Edgewood Police Department, Rio Arriba Sheriff’s Office, Espanola Police Department, and Los Alamos Police Department (this list does not include the numerous tribal agencies in the first judicial district).

their respective districts. According to Third Judicial District Attorney Gerald Beyers and attorneys who practiced in the Second Judicial District, thousands of pending cases were dismissed as a result of each district's respective CMO. The blame for this "difficult transition period" fell squarely on the backs of the public safety agencies, the District Attorney's Offices and their law-enforcement agency partners, who were not given sufficient notice, time, resources, or any fair opportunity to adequately prepare for this unilateral and unfunded mandate.

Not unlike the transition periods in other districts, there is no question that, if implemented, the FJDA will bear the burden of operationalizing the CMO with eight (8) different law enforcement agencies, each with their own processes, systems, staffing, and procedures. The District Court's responsibilities and difficulties in this transition process pale in comparison. *Id.* In fact, after implementation, with "very experienced judges and administrators", the only thing that the CMO requires of the District Court is to set hearings and rule at those hearings on whether the stakeholders have checked the boxes that the stakeholders are too understaffed and underfunded to check. This allows the District Court to step back, watch, and rule as public safety partners are forced to face the backfire when important cases suffer. Response at 2, ¶5. This process, as seen in the implementation in other districts, allows the District Court to remain the silent overseer when blame for the "difficult transition process" falls directly upon the FJDA, its law enforcement partners, and other stakeholders.

With the community outcries for public safety and criminal justice reform, the District Court's lack of engagement with critical local and state partners in the First Judicial District is fundamentally unfair and dangerous. The communities we and our partners serve will never understand how the FJDA, through a unilateral and unfunded mandate, is forced to compromise public safety because of an administrative directive and "difficult transition process."

Administrative form and function should never outweigh the FJDA's outcries for more time and more resources to properly prepare our agency and our critical partners.

Based upon the foregoing, the FJDA hereby requests the District Court to, at a minimum, expressly support the FJDA's request for additional stakeholder engagement, affording all partners a valuable opportunity to query, plan and prepare; to support the FJDA FY26 budget request for additional resources to adequately prepare for the CMO; and to revise its letter voicing clear support for the FJDA's request for a CMO implementation date of January 1, 2026, if at all. The FJDA encourages the District Court to consider pulling back its CMO as written to allow a collaborative rather than unilateral and unfunded approach.

**From:** Bryan Biedscheid [mailto:sfeddiv6proposedtxt@nmcourts.gov]  
**Sent:** Friday, January 12, 2024 6:11 PM  
**To:** Ball, Julie <juliea.ball@lopdm.us>; Mary Carmack-Altwies <Mcarmack-Altwies@da.state.nm.us>; Kateri Eisenberg <sfedkhe@nmcourts.gov>  
**Subject:** CMO and Docket Innovation Meeting

Good afternoon, Julie and Mary:

Please let us know when, during the next few weeks, you are available to meet. As you would expect, I am very concerned that you both feel left out of the CMO process and I wish to address that. I also want your ideas on ways to improve our processes.

From my end, I chose the most input intensive, formalistic rule change process (local rule vs. individual case orders) to pursue the CMO change and you both have notice of this process being initiated as early as possible. Also, exactly in line with what I stated at the coordinating council meeting last year, the rule is almost entirely lifted from the 8th District so you will not be shocked by judicial creativity. I say this because I get the sense that you view the local rule request as a final product into which you have had no input, whereas it is the start of a yearlong process in which you will have tremendous opportunity for input. In addition to the input allowed by the formal process, I am happy to meet with you and other stakeholders as well.

I am just sending this to you both because you are my key constituency and it is not to exclude the Supreme Court or anyone else (they get more emails from me than they would like as it is). Their involvement, or that of AOC, is always welcome and, if the CMO is to be adopted, it is the Supreme Court that will need to issue the order at the end of the process.

Have a good weekend and I look forward to working with you throughout this year on this rule and I understand why it is very important to you and to the community to get it right.

Chief Judge Bryan Biedscheid, Div. 6

**Remote Access** is by GoogleMeet. If your hearing has been noticed for GoogleMeet, the court requires counsel and parties to participate by video at <https://meet.google.com/hdc-wqjx-wes>. **Please be advised that this link works only for Division 6 and it will not connect you to another division's courtroom.**



**From:** Ball, Julie  
**To:** "Mary Carmack-Altwhies"  
**Subject:** RE: Request for Meeting -- New CMO in the 1st JD  
**Date:** Monday, April 15, 2024 11:00:38 AM

---

Yay, you found it.

**From:** Mary Carmack-Altwhies [mailto:MCarmack-Altwhies@da.state.nm.us]  
**Sent:** Monday, April 15, 2024 10:59 AM  
**To:** Ball, Julie <juliea.ball@lopdm.us>  
**Subject:** FW: Request for Meeting -- New CMO in the 1st JD

**From:** supalk@nmcourts.gov <supalk@nmcourts.gov> **On Behalf Of** Shannon Bacon  
**Sent:** Tuesday, January 16, 2024 3:08 PM  
**To:** Ball, Julie <juliea.ball@lopdm.us>  
**Cc:** supmev@nmcourts.gov; supdkt@nmcourts.gov; supbhz@nmcourts.gov; sfedbpb@nmcourts.gov; Mary Carmack-Altwhies <MCarmack-Altwhies@da.state.nm.us>; Julie Vargas <supjjv@nmcourts.gov>  
**Subject:** Re: Request for Meeting -- New CMO in the 1st JD

District Defender Ball and District Attorney Carmack-Altwhies:

We have received your inquiry and request to meet with the Supreme Court. Presently, the Court has not considered a Court Management Order (CMO) in the First Judicial District; therefore, there is no new CMO or roll-out anticipated. However, if the Court does decide to discuss whether a CMO should be implemented in the First Judicial District, we will invite you, as well as Chief Judge Biedscheid, to the discussion.

Thank you for your advocacy and service to the First Judicial District.

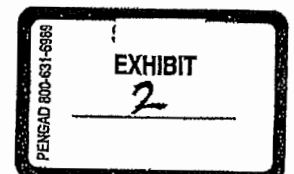
C. Shannon Bacon  
Chief Justice  
New Mexico Supreme Court

On Thu, Jan 11, 2024 at 10:43 AM Ball, Julie <juliea.ball@lopdm.us> wrote:

Good Morning Justices:

District Attorney Carmack-Altwhies and myself are emailing to request a meeting regarding the new Case Management Order and its rollout in the 1<sup>st</sup> Judicial District. After speaking with DA Carmack-Altwhies about the usefulness of the pre-implementation meeting held in Taos, we both agree that a similar meeting here in Santa Fe will provide clarity and assist with the goal of successful implementation. We are concerned that major stakeholders are not being included in the CMO process in the 1st.

We would also like to discuss our ideas on how to expedite the District Court dockets --



ideas that we believe will lead to swift justice with minimal effort by the Court. As you will see from the emails below, our offices have been working diligently together to produce ways to expedite the process and bring down our average wait times for case resolution.

We look forward to meeting with you soon.

Sincerely,

Julie Ball, District Defender, 1<sup>st</sup> J.D. & Taos  
[julia.ball@lopdm.us](mailto:julia.ball@lopdm.us) 575/973-5761 (cell)

Mary Carmack-Altwhies, District Attorney, 1<sup>st</sup> J.D.  
[MCarmack-Altwhies@da.state.nm.us](mailto:MCarmack-Altwhies@da.state.nm.us) 505/417-6361 (cell)

**From:** Bryan Biedscheid [<mailto:sfeddiv6proposedtxt@nmcourts.gov>]  
**Sent:** Friday, December 1, 2023 11:50 AM  
**To:** Mary Carmack-Altwhies <[MCarmack-Altwhies@da.state.nm.us](mailto:MCarmack-Altwhies@da.state.nm.us)>; Kathleen Vigil <[sfedkiv@nmcourts.gov](mailto:sfedkiv@nmcourts.gov)>  
**Cc:** Ball, Julie <[julia.ball@lopdm.us](mailto:julia.ball@lopdm.us)>  
**Subject:** Re: Joint request from DA and LOPD

DA Carmack-Altwhies and District Defender Ball:

Thank you both for your email and proposal of a “rocket docket” to resolve criminal cases in a particularly expeditious manner. I greatly appreciate your collaboration and thoughtful approach towards the goal of timely resolving cases, and it is a goal shared by this court.

After consultation with other district court judges, I understand that they are concerned about setting a hearing without notice as to what cases, parties, and pleas are at issue. However, the judges will set plea hearings on an expedited basis if they are brought up to the district court on a waiver and the parties are ready to enter a plea.

The parties may request a plea hearing at arraignment and the court will set the case on its next available plea hearing date. If such a procedure is followed, it is extremely likely that a case will be concluded in a fraction of the time you referenced. In other words, cases in which a plea hearing is requested at arraignment should be resolved within two to three months after a criminal information is filed in district court (assuming that the parties and their counsel appear at both the arraignment and plea hearing). If you are aware of a significant deviation from such a timeframe given the presence of those circumstances, please provide specific examples so that I may further review the matter.

I encourage you to contact me in the future with any additional criminal-justice

system proposals; your frequent interactions with this court make your input particularly valuable. While the judges have concerns with the precise procedure you proposed, it is my hope that the dialog you initiated will avoid the delays you described, and still ensure that the court is properly prepared for all hearings.

Sincerely,

Chief Judge Bryan Biedscheid, Div. 6

**Remote Access** is by GoogleMeet. If your hearing has been noticed for GoogleMeet, the court requires counsel and parties to participate by video at <https://meet.google.com/hdc-wqjx-wes>. **Please be advised that this link works only for Division 6 and it will not connect you to another division's courtroom.**

On Wed, Nov 15, 2023 at 11:21 AM Mary Carmack-Altwhies <[MCarmack-Altwhies@da.state.nm.us](mailto:MCarmack-Altwhies@da.state.nm.us)> wrote:  
Dear Judge Biedschied,

Ms. Ball of LOPD and I have a proposal that we are asking you to consider. Our two offices have collaborated on a way to move some cases faster through the criminal justice process. At the preliminary stage, the prosecution often make plea offers that defendants accept in return for a waiver of preliminary hearing. These cases then get to district court and linger for 8+ months before a hearing is scheduled.

We are jointly asking for a "rocket docket." This would be a one day per month setting for all defendants that have a signed plea and waiver from the magistrate court. All of the defendants will have already waived their right to a preliminary hearing and grand jury and a signed waiver of arraignment which will be filed simultaneously to the filing of the criminal information. All of the pleas set for the Rocket Docket will have an agreed upon sentence, so that the Judge assigned (can be any judge) merely has to take the plea and move to sentencing immediately. We will each assign one attorney to that docket each month who will handle all of the pleas. Further, we do not need sentencing worksheets and both of our offices will assign support staff to assist in the writing of instant J&S's that can be signed off on prior to leaving court.

We believe this will bring our average disposition times down dramatically and can relieve some of the caseload on the criminal court judges. I do know that all of the Judges have heavy caseloads, but we truly believe that if we can have one day or even a half day per month, we would see a dramatic drop in wait times and disposition in cases.

We would like to establish the Rocket Docket as soon as possible as both of our offices are ready to move forward on this idea. Please let us know if you have questions or would like to meet in person to discuss further.

Thanks,  
Mary Carmack-Altwhies, District Attorney  
Julie Ball, District Defender

## Renee Padilla

---

**From:** Jennifer Padgett Macias  
**Sent:** Monday, August 5, 2024 11:00 AM  
**To:** Renee Padilla  
**Subject:** FW: No Cost Extension Request-190938 PI Padgett Macias

Hi Renee,

Please see the approval for the no cost extension through 12/31/2025.

Thanks,  
Jennifer

**From:** Nancy Rivera-Torres <NRivera@Wtgrantfdn.org>  
**Sent:** Wednesday, January 10, 2024 11:14 AM  
**To:** Noah Painter Davis <npf26@unm.edu>; Jennifer Padgett Macias <JPadgett@da.state.nm.us>  
**Cc:** Jenny Irons <jirons@Wtgrantfdn.org>  
**Subject:** RE: No Cost Extension Request-190938 PI Padgett Macias

Dear Noah and Jennifer,

I'm following up on the approved no-cost extension for one year through the end of 12/31/2025, for grant #190938, Reducing Ethnoracial Inequality: A Prosecutor-Led Community Based Diversion Program for Juveniles and Young Adults.

Revised Reporting Schedule:

Year 4 (7/1/23-6/30/24) Program Report due August 1, 2024, and Financial Report is due October 1, 2024.  
Year 5 (7/1/24-6/30/25) Program Report due August 1, 2025, and Financial Report is due October 1, 2025.  
Year 6 final year (7/1/25-12/31/25) Final Program Report is due February 1, 2026, and Final Financial Report is due April 1, 2026.

All updates appear on your homepage in SmartSimple. If you have any questions, please let me know.

Regards,

**Nancy Rivera-Torres, MPA**  
Grants Administrator, Research Grants  
William T. Grant Foundation  
212.752.0071 | [nrivera@wtgrantfdn.org](mailto:nrivera@wtgrantfdn.org)

**From:** Jenny Irons <[jirons@Wtgrantfdn.org](mailto:jirons@Wtgrantfdn.org)>  
**Sent:** Friday, November 17, 2023 8:49 AM  
**To:** Noah Painter Davis <[npf26@unm.edu](mailto:npf26@unm.edu)>  
**Cc:** Adam Gamoran <[agamoran@Wtgrantfdn.org](mailto:agamoran@Wtgrantfdn.org)>; Jennifer Padgett <[JPadgett@da.state.nm.us](mailto:JPadgett@da.state.nm.us)>; Nancy Rivera-Torres <[NRivera@Wtgrantfdn.org](mailto:NRivera@Wtgrantfdn.org)>  
**Subject:** RE: No Cost Extension Request-190938

Hi Noah,

Yes, we can approve this extension. I believe this is the second no-cost extension to the grant.

Nancy is out of town until after Thanksgiving and will follow up regarding new dates for the grant. If you don't hear from her by the first week of December, please nudge us again to make sure this gets processed.

Thank you,  
Jenny

**Jenny Irons, PhD**  
Senior Program Officer  
William T. Grant Foundation  
212.752.0071 | [jiroons@wtgrantfdn.org](mailto:jiroons@wtgrantfdn.org)

**From:** Noah Painter Davis <[npf26@unm.edu](mailto:npf26@unm.edu)>  
**Sent:** Wednesday, November 15, 2023 6:51 PM  
**To:** Jenny Irons <[jiroons@Wtgrantfdn.org](mailto:jiroons@Wtgrantfdn.org)>  
**Cc:** Adam Gamoran <[agamoran@Wtgrantfdn.org](mailto:agamoran@Wtgrantfdn.org)>; Jennifer Padgett <[JPadgett@da.state.nm.us](mailto:JPadgett@da.state.nm.us)>  
**Subject:** No Cost Extension Request-190938

**CAUTION:** This email originated from outside of the Foundation. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jenny,

It was great seeing you at the Reducing Inequality conference. Thank you for organizing the conference; I learned a lot.

We are writing to see if we could please receive a 1-year no-cost extension to our grant:  
*Reducing Ethnoracial Inequality: A Prosecutor-Led Community-Based Diversion Program for Youth and Young Adults*. The grant's current end date is 12/31/2024. We would like an extension to 12/31/2025.

This will allow us additional time to evaluate the efficacy of our intervention and to further build a strong case for the legislature to continue funding our efforts. Thank you very much for considering this request.

Please let Jennifer and me know if you have any questions.

Thank you  
Noah

---

Noah Painter-Davis, PhD  
Associate Professor  
Department of Sociology and Criminology  
University of New Mexico

For work flexibility, I often send emails outside of typical working days/hours. I don't expect that you read, respond, or follow-up on this email outside of your work hours.

1 **LR1-307. Case management pilot program for criminal cases.**

2           A.     **Scope; application.** This is a special pilot rule governing time limits for criminal  
3 proceedings in the First Judicial District Court. This rule applies in all criminal proceedings in the  
4 First Judicial District Court but does not apply to probation violations, which are heard as  
5 expedited matters separately from cases awaiting a determination of guilt, nor to any other special  
6 proceedings in Article 8 of the Rules of Criminal Procedure for the District Courts. The Rules of  
7 Criminal Procedure for the District Courts and existing case law on criminal procedure continue  
8 to apply to cases filed in the First Judicial District Court, but only to the extent they do not conflict  
9 with this pilot rule. The First Judicial District Court may adopt forms to facilitate compliance with  
10 this rule, including the data tracking requirements of Paragraph J of this rule.

11           B.     **Deadline for arraignment.** The defendant shall be arraigned on the information or  
12 indictment within fifteen (15) days after the date of the filing of the bind-over order, indictment,  
13 or the date of the arrest, whichever is later. The state shall file and directly submit its arraignment  
14 request to the trial court administrative assistant concurrently with the filing of the bind-over order,  
15 information, indictment, or date of arrest, whichever is later.

16           C.     **Disclosure by the state; requirement to provide contact information;**  
17 **continuing duty; failure to comply.**

18           (1)    *Scope of disclosure by the state.* The scope of the state's discovery  
19 disclosure obligations shall be governed by Rule 5-501(A)(1)-(6) NMRA. The state shall authorize  
20 the defendant to examine all physical evidence in possession of the state upon request of the  
21 defendant. The state shall provide the defendant with copies of any documentary evidence and  
22 audio, video, and audio-video recordings made by law enforcement officers or otherwise in  
23 possession of the state at the time of the disclosure, unless providing the evidence is otherwise

1 contrary to law. As part of its production obligations under Rule 5-501(A)(5), the state shall  
2 provide contact information for its witnesses that is current as of the date of disclosure, including,  
3 to the extent available, witness addresses, phone numbers, and email addresses.

4 (2) ***Deadline for disclosure by the state.*** If the case is a ten (10)-day case as  
5 described by Rule 5-302(A)(1) NMRA, the state shall make its discovery disclosures to the  
6 defendant within five (5) days after the first appearance. If the case is a sixty (60)-day case as  
7 described by Rule 5-302(A)(1), the state shall make its initial discovery disclosures to the  
8 defendant within fifteen (15) days after the first appearance.

9 (3) ***Motion to withhold contact information for safety reasons.*** A party may  
10 seek relief from the court by motion, for good cause shown, to withhold specific contact  
11 information if necessary to protect a victim or a witness. If the address of a witness is not disclosed  
12 under court order, the party seeking the order shall arrange for a witness interview or accept at its  
13 business offices a subpoena for purposes of deposition under Rule 5-503 NMRA.

14 (4) ***Continuing duty.*** The state shall have a continuing duty to disclose  
15 additional information to the defendant, including the names and current contact information for  
16 newly discovered witnesses and updated contact information for witnesses already disclosed,  
17 within seven (7) days of receipt of this information.

18 (5) ***Evidence deemed in the possession of the state.*** Evidence is deemed to be  
19 in the possession of the state for purposes of this rule and Rule 5-501(A) if this evidence is in the  
20 possession or control of any person or entity who has participated in the investigation or evaluation  
21 of the case.

22 (6) ***Deadline for the state to submit evidence to the crime lab.*** Within fifteen  
23 (15) days of arraignment or the filing of a waiver of arraignment, the state shall file a certification

1 that it has exercised due diligence to ensure that all evidence that may require testing has been  
2 submitted to the forensic lab.

3 **D. Disclosure by defendant; notice of alibi; entrapment defense; failure to**  
4 **comply.**

5 (1) ***Initial disclosures; deadline; witness contact information.*** Not less than  
6 five (5) days before the scheduled date of the status hearing described in Paragraph F of this rule,  
7 the defendant shall disclose or make available to the state all information described in Rule 5-  
8 502(A)(1)-(3) NMRA. At the same time, the defendant shall provide addresses, and also phone  
9 numbers and email addresses if available, for its witnesses that are current as of the date of  
10 disclosure.

11 (2) ***Deadline for notice of alibi and entrapment defense.*** Notwithstanding Rule  
12 5-508 NMRA or any other rule, not less than ninety (90) days before the date scheduled for  
13 commencement of trial as provided in Paragraph F of this rule, the defendant shall serve on the  
14 state a notice in writing of the defendant's intention to offer evidence of an alibi or entrapment as  
15 a defense.

16 (3) ***Continuing duty.*** The defendant shall have a continuing duty to disclose  
17 additional information to the state, including the names and contact information for newly  
18 discovered witnesses and updated contact information for witnesses already disclosed, within  
19 seven (7) days of receipt of this information.

20 **E. Peremptory excusal of a district judge; limits on excusals; time limits;**  
21 **reassignment.** A party on either side may file one (1) peremptory excusal of any judge in the  
22 First Judicial District Court, regardless of which judge is currently assigned to the case, within ten  
23 (10) days of the arraignment or the filing of a waiver of arraignment. If necessary, the case may

1 later be reassigned by the chief judge to any judge in the First Judicial District, so long as that  
2 judge has not been previously excused on the case, under Paragraph I of this rule. The chief judge  
3 may also reassign the case to a judge pro tempore previously approved to preside over these matters  
4 by order of the Chief Justice, and the judge pro tempore shall not be subject to peremptory excusal.

5 F. **Status hearing; witness disclosure; case track determination; scheduling**  
6 **order.**

7 (1) ***Witness list disclosure requirements.*** Within twenty-five (25) days after  
8 arraignment or waiver of arraignment, each party shall, subject to Rule 5-501(F) and Rule 5-  
9 502(C), file a list of names and contact information for known witnesses the party intends to call  
10 at trial and that the party has verified is current as of the date of disclosure required under this  
11 subparagraph, including a brief statement of the expected testimony or the witness's role within  
12 the case to assist the court in assigning the case to a track as provided in this rule. The continuing  
13 duty to make the disclosure to the other party continues at all times before trial, requiring this  
14 disclosure within five (5) days of when a party determines or should reasonably have determined  
15 the witness will be expected to testify at trial.

16 (2) ***Status hearing; factors for case track assignment.*** A status hearing, at  
17 which the defendant shall be present, shall be commenced within thirty (30) days of arraignment  
18 or the filing of a waiver of arraignment. The hearing may be held virtually.

19 (3) ***Case track assignment required; factors.*** At the status hearing, the court  
20 shall determine the appropriate assignment of the case to one of three tracks. If, in the rare  
21 circumstance, an exceedingly complex case does not fit into either track 1 or 2, written and specific  
22 findings are required to place a case on track 3 and these findings shall be entered by the court  
23 within five (5) days of assignment to track 3. To qualify for placement into track 3, a case must

1 have unusually high complexity due to, for instance, a high number of witnesses or a substantial  
2 amount of scientific evidence, and the court’s written and specific findings shall support that  
3 conclusion. Any track assignment under this rule shall be made after considering the following  
4 factors:

5 (a) the complexity of the case, starting with the presumption that most  
6 cases will qualify for assignment to track 1; and

7 (b) the number of witnesses, time needed reasonably to address any  
8 evidentiary issues, whether there is scientific evidence, and other factors the court finds appropriate  
9 to distinguish track 1, track 2, and track 3 cases.

10 (4) ***Defendants detained pending trial.*** When the defendant is detained  
11 pending trial, the case shall be given the highest priority for trial scheduling.

12 (5) ***Scheduling order required.*** After hearing argument and weighing the above  
13 factors, the court shall, on the conclusion of the status hearing, issue a scheduling order that assigns  
14 the case to one of three tracks and identifies the dates when events required by that track shall be  
15 scheduled, which are as follows for tracks 1, 2, and 3:

16 (a) ***Track 1; deadlines for commencement of trial and other events.*** For  
17 track 1 cases, trial shall commence within two hundred ten (210) days of arraignment, the filing of  
18 a waiver of arraignment, or other applicable triggering event identified in Paragraph G of this rule,  
19 whichever is the latest to occur. The scheduling order shall also set dates for other events according  
20 to the following requirements for track 1 cases:

21 (i) **Track 1 – deadline for plea agreement.** A fully executed plea  
22 agreement entered into between the defendant and the state shall be submitted to the court  
23 substantially in the form approved by the Supreme Court no later than ten (10) days before the trial

1 date. A request for the court to approve a plea agreement less than ten (10) days before the trial  
2 date shall not be accepted by the court except on a written finding by the assigned district judge of  
3 extraordinary circumstances;

4 (ii) Track 1 – deadline for pretrial conference. The final pretrial  
5 conference, including any hearings on any remaining pretrial motions if needed, shall be scheduled  
6 no less than fourteen (14) days before the trial date. Each party shall file its final trial witness list  
7 on or before this date. All parties shall be present in person for the final pretrial conference;

8 (iii) Track 1 – deadline for notice of need for court interpreter.  
9 All parties shall identify by filing a notice with the court any requirement for language access  
10 services at trial by a party or witness fourteen (14) days before the trial date;

11 (iv) Track 1 – deadline for pretrial motions hearing. A hearing  
12 for resolution of pretrial motions shall be set not less than thirty (30) days before the trial date;

13 (v) Track 1 – deadline for pretrial motions. Pretrial motions shall  
14 be filed not less than fifty (50) days before the trial date;

15 (vi) Track 1 – deadline for responses to pretrial motions. Written  
16 responses to any pretrial motions shall be filed within fifteen (15) days of the filing of any pretrial  
17 motions. Absent exceptional circumstances, a failure to file a written response shall be deemed,  
18 for the purposes of deciding the motion, an admission of the facts stated in the motion;

19 (vii) Track 1 – deadlines for requesting and completing witness  
20 interviews. Witness interviews shall be completed not less than sixty (60) days before the trial  
21 date. Absent order of the court, the state shall be responsible for scheduling pretrial witness  
22 interviews of the state’s witnesses, and the defendant shall be responsible for scheduling pretrial  
23 witness interviews of the defendant’s witnesses. A party wishing to interview witnesses on the

1 other party's initial witness list shall request those interviews no later than fourteen (14) days after  
2 the issuance of the scheduling order. The requesting party shall give dates of availability for  
3 witness interviews during the thirty (30) days after the request and the party receiving the request  
4 shall make reasonable efforts to schedule the requested interviews during that thirty (30)-day  
5 period. If a party files a new witness list adding new witnesses, any requests to interview those  
6 new witnesses shall be made no later than seven (7) days after the new witness list is served on the  
7 requesting party. At all times, the parties shall act diligently and in good faith in requesting,  
8 scheduling, and, as necessary, rescheduling witness interviews. The court shall not consider failure  
9 to conduct pretrial interviews of witnesses as the basis of any sanction unless the party moving for  
10 sanctions followed the requirements of this subparagraph in requesting those interviews;

11 (viii) Track 1 – deadline for disclosure of scientific evidence. All  
12 parties shall produce the results of any scientific evidence, if not already produced, not less than  
13 ninety (90) days before the trial date. When justified by good cause, the court may, but is not  
14 required to, provide for production of scientific evidence less than sixty (60) days before the trial  
15 date; and

16 (ix) Track 1 – deadline for amending criminal information or  
17 indictment. The state shall file any amendment to the criminal information or indictment not less  
18 than one hundred twenty (120) days before the trial date, unless otherwise ordered by the court on  
19 good cause shown.

20 (b) *Track 2; deadlines for commencement of trial and other events.* For  
21 track 2 cases, the trial shall commence within three hundred (300) days of arraignment, the filing  
22 of a waiver of arraignment, or other applicable triggering event identified in Paragraph G of this

1 rule, whichever is the latest to occur. The scheduling order shall also set dates for other events  
2 according to the following requirements for track 2 cases:

3 (i) Track 2 – deadline for plea agreement. A fully executed plea  
4 agreement entered into between the defendant and the state shall be submitted to the court  
5 substantially in the form approved by the Supreme Court no later than ten (10) days before the trial  
6 date. A request for the court to approve a plea agreement less than ten (10) days before the trial  
7 date shall not be accepted by the court except on a written finding by the assigned district judge of  
8 extraordinary circumstances;

9 (ii) Track 2 – deadline for pretrial conference. The final pretrial  
10 conference, including any hearings on any remaining pretrial motions if needed, shall be scheduled  
11 no less than fourteen (14) days before the trial date. Each party shall file their final trial witness  
12 list on or before this date. All parties shall be present in person for the final pretrial conference;

13 (iii) Track 2 – deadline for notice of need for court interpreter.  
14 All parties shall identify by filing a notice with the court any requirement for language access  
15 services at trial by a party or witness fifteen (15) days before the trial date;

16 (iv) Track 2 – deadline for pretrial motions hearing. A hearing  
17 for resolution of pretrial motions shall be set not less than thirty (30) days before the trial date;

18 (v) Track 2 – deadline for pretrial motions. Pretrial motions shall  
19 be filed not less than sixty (60) days before the trial date;

20 (vi) Track 2 – deadline for responses to pretrial motions. Written  
21 responses to any pretrial motions shall be filed within fifteen (15) days of the filing of any pretrial  
22 motions. Absent exceptional circumstances, a failure to file a written response shall be deemed,  
23 for the purposes of deciding the motion, an admission of the facts stated in the motion;

1 (vii) Track 2 – deadlines for requesting and completing witness  
2 interviews. Witness interviews shall be completed not less than seventy-five (75) days before the  
3 trial date. Absent order of the court, the state shall be responsible for scheduling pretrial witness  
4 interviews of the state’s witnesses, and the defendant shall be responsible for scheduling pretrial  
5 witness interviews of the defendant’s witnesses. A party wishing to interview witnesses on the  
6 other party’s initial witness list shall request those interviews no later than twenty-one (21) days  
7 after the issuance of the scheduling order. The requesting party shall give dates of availability for  
8 witness interviews during the forty-five (45) days after the request and the party receiving the  
9 request shall make reasonable efforts to schedule the requested interviews during that forty-five  
10 (45)-day period. If a party files a new witness list adding new witnesses, any requests to interview  
11 those new witnesses shall be made no later than seven (7) days after the new witness list is served  
12 on the requesting party. At all times, the parties shall act diligently and in good faith in requesting,  
13 scheduling, and, as necessary, rescheduling witness interviews. The court shall not consider failure  
14 to conduct pretrial interviews of witnesses as the basis of any sanction unless the party moving for  
15 sanctions followed the requirements of this subparagraph in requesting those interviews;

16 (viii) Track 2 – deadline for disclosure of scientific evidence. All  
17 parties shall produce the results of any scientific evidence, if not already produced, not less than  
18 ninety (90) days before the trial date. When justified by good cause, the court may, but is not  
19 required to, provide for production of scientific evidence less than ninety (90) days before the trial  
20 date; and

21 (ix) Track 2 – deadline for amending criminal information or  
22 indictment. The state shall file any amendment to the criminal information or indictment not less

1 than one hundred twenty (120) days before the trial date, unless otherwise ordered by the court on  
2 good cause shown.

3 (c) *Track 3; procedure and deadlines for commencement of trial and*  
4 *other events.* If a case is assigned to track 3, it shall be governed by the Rules of Criminal Procedure  
5 for the District Courts, any scheduling orders, and any other orders entered by the court.

6 (6) ***Form of scheduling order; additional requirements and shorter deadlines***  
7 ***allowed.*** The court may adopt, on order of the chief judge of the district court, a form to be used  
8 to implement the time requirements of this rule. Additional requirements may be included in the  
9 scheduling order at the discretion of the assigned judge and the judge may alter any of the deadlines  
10 described in Subparagraph (F)(5) of this rule to allow for the case to come to trial sooner.

11 (7) ***Extensions of time; cumulative limit.*** In the scheduling order, the court  
12 may shorten the deadlines for the parties to request pretrial interviews set forth in Subparagraphs  
13 (F)(5)(a)(vii) and (F)(5)(b)(vii) of this rule. The court may, for good cause, grant any party an  
14 extension of the time requirements imposed by an order entered in compliance with Paragraph F  
15 of this rule. In no case shall a party be given time extensions that in total exceed thirty (30) days  
16 for track 1 cases and sixty (60) days for track 2 cases. Unless required by good cause, the  
17 extensions of time shall not result in delay of the date scheduled for commencement of trial.  
18 Substitution of counsel alone ordinarily shall not constitute good cause for an extension of time.  
19 A stipulated request for extension of time in order to consolidate and resolve multiple cases against  
20 the same defendant under one plea agreement shall ordinarily be considered good cause for an  
21 extension of time.

- 1           **G. Time limits for commencement of trial.** As deemed necessary, the court may  
2 enter an amended scheduling order to extend the time limits for commencement of trial consistent  
3 with the deadlines in Paragraph F of this rule when one of the following triggering events occurs:
- 4                   (1) the date of arraignment or the filing of a waiver of arraignment of the  
5 defendant;
- 6                   (2) if an evaluation of competency has been ordered, the date an order is filed  
7 in the court finding the defendant competent to stand trial;
- 8                   (3) if a mistrial is declared by the trial court, the date this order is filed in the  
9 court;
- 10                  (4) in the event of a remand from an appeal, the date the mandate or order is  
11 filed in the court disposing of the appeal;
- 12                  (5) if the defendant is arrested on a valid warrant in the case or surrenders in  
13 this state on any valid warrant in the case, the date of the arrest or surrender of the defendant, and  
14 the assigned judge determines that this circumstance reasonably requires additional time to bring  
15 the case to trial;
- 16                  (6) if the defendant is arrested or surrenders in another state or country, the date  
17 the defendant is returned to this state;
- 18                  (7) if the defendant has been referred to a preprosecution or court diversion  
19 program, the date a notice is filed in the court that the defendant has been deemed not eligible for,  
20 is terminated from, or is otherwise removed from the preprosecution or court diversion program;
- 21                  (8) if the defendant's case is severed from a case to which it was previously  
22 joined, the date from which the cases are severed, but the nonmoving defendant or at least one of

1 the nonmoving defendants may continue on the same basis as previously established under these  
2 rules for track assignment and otherwise;

3 (9) if a defendant's case is severed into multiple trials, the date from which the  
4 case is severed into multiple trials, but the court may continue at least one of the previously joined  
5 defendants or counts on the original track assignment, which defendant or counts shall be  
6 determined by the court on consideration of the complexity of the now-severed cases or counts;

7 (10) if a judge enters a recusal and the newly assigned judge determines the  
8 change in judge assignment reasonably requires additional time to bring the case to trial, the date  
9 the recusal is entered;

10 (11) if the court grants a change of venue and the court determines the change in  
11 venue reasonably requires additional time to bring the case to trial, the date of the court's order; or

12 (12) if the court grants a motion to withdraw the defendant's plea, the date of the  
13 court's order.

14 H. **Failure to comply.**

15 (1) If a party fails to comply with any provision of this rule or the time limits  
16 imposed by a scheduling order entered under this rule, the court shall, on its own motion or on  
17 motion of a party, impose sanctions as the court may deem appropriate in the circumstances and  
18 taking into consideration the reasons for the failure to comply.

19 (2) In considering the sanction to be applied, the court shall not accept  
20 negligence or the usual press of business as sufficient excuse for failure to comply. If the case has  
21 been refiled after an earlier dismissal, dismissal with prejudice is the presumptive outcome for a  
22 repeated failure to comply with this rule, subject to the provisions in Subparagraph (H)(6) of this  
23 rule.

1           (3) A motion for sanctions for failure to comply with this rule or any of the  
2 Rules of Criminal Procedure must be made in writing, but an oral motion may be made during a  
3 setting scheduled for another purpose if the basis of the motion was not and reasonably could not  
4 have been known before that setting.

5           (4) The sanctions the court may impose under this paragraph include, but are  
6 not limited to, the following:

- 7                   (a) a reprimand by the judge;
- 8                   (b) prohibiting a party from calling a witness or introducing evidence;
- 9                   (c) a monetary fine imposed on a party's attorney or that attorney's  
10 employing office with appropriate notice to the office and an opportunity to be heard;
- 11                   (d) contempt; and
- 12                   (e) dismissal of the case with or without prejudice, subject to the  
13 provisions in Subparagraph (H)(6) of this rule.

14           (5) The court shall not impose any sanction against the state for violation of this  
15 rule if an in-custody defendant was not at a court setting as a result of a failure to transport, but the  
16 court may impose a sanction if the failure to transport was attributable to the prosecutor's failure  
17 to properly prepare and serve a transportation order if so required.

18           (6) The sanction of dismissal, with or without prejudice, shall not be imposed  
19 under the following circumstances:

- 20                   (a) the state proves by clear and convincing evidence that the defendant  
21 is a danger to the community; and
- 22                   (b) the failure to comply with this rule is caused by extraordinary  
23 circumstances beyond the control of the parties.

1 Any court order of dismissal with or without prejudice or prohibiting a party from calling  
2 a witness or introducing evidence shall be in writing and include findings of fact about the moving  
3 party's proof of and the court's consideration of the above factors.

4 I. **Extension of time for trial; reassignment; dismissal with prejudice; sanctions.**

5 (1) *Extending date for trial; good cause or exceptional circumstances;*  
6 *reassignment to available judge for trial permitted; sanctions.* The court may extend the trial date  
7 for a total of up to thirty (30) days for a track 1 case and forty-five (45) days for a track 2 case, on  
8 showing of good cause which is beyond the control of the parties or the court. To grant the  
9 extension, the court shall enter written findings of good cause. If on the date the case is set or reset  
10 for trial the court is unable to hear a case for any reason, including a trailing docket, the presiding  
11 judge may ask that the case be reassigned by order of the chief judge, within the chief judge's sole  
12 discretion without entertaining motion or argument by the parties, for immediate trial to any  
13 available judge or judge pro tempore, so long as that judge has not been previously excused. If the  
14 court is unable to proceed to trial and must grant an extension for reasons the court does not find  
15 meet the requirement of good cause, the court shall impose sanctions as provided in Paragraph H  
16 of this rule, which may include dismissal of the case with prejudice subject to the provisions in  
17 Subparagraph (H)(6) of this rule. Without regard to which party requests any extension of the trial  
18 date, the court shall not extend the trial date more than sixty (60) days beyond the original date  
19 scheduled for commencement of trial without a written finding of exceptional circumstances  
20 approved in writing by the chief judge or a judge, including a judge pro tempore previously  
21 approved to preside over those matters by order of the Chief Justice, that the chief judge designates.

22 (2) *Requirements for extension of trial date for exceptional circumstances;*  
23 *reassignment.* When the chief judge or the chief judge's designee accepts the finding by the trial

1 judge of exceptional circumstances, the chief judge shall approve rescheduling of the trial to a date  
2 certain. The order granting an extension to a date certain for extraordinary circumstances may  
3 reassign the case to a different judge for trial, so long as that judge has not been previously excused  
4 on the case, or include any other relief necessary to bring the case to prompt resolution.

5 (3) ***Requirements for multiple requests.*** Any extension sought beyond the date  
6 certain in a previously granted extension will again require a finding by the trial judge of  
7 exceptional circumstances approved in writing by the chief judge or designee with an extension to  
8 a date certain.

9 (4) ***Rejecting extension request for exceptional circumstances; dismissal***  
10 ***required.*** If the chief judge or designee rejects the trial judge's request for an extension based on  
11 exceptional circumstances, the case shall be tried within the previously ordered time limit or shall  
12 be dismissed with prejudice if it is not, subject to the provisions in Subparagraph (H)(6) of this  
13 rule.

14 (5) ***A new probable cause determination is not required for recently refiled***  
15 ***charges.*** If a probable cause determination has been made by preliminary hearing or grand jury  
16 and the court dismisses the case without prejudice, the same charges may be refiled under the same  
17 case number by information within six (6) months of the dismissal without requiring a new  
18 probable cause determination.

19 J. **Data reporting to the Supreme Court required.** The chief judge, district  
20 attorney, and public defender shall provide statistical reports to the Supreme Court as directed.

21 [Adopted by Supreme Court Order No. S-1-RCR-2024-00056, effective for all cases filed on or  
22 after January 1, 2026.]