



Supreme Court of New Mexico

CHIEF JUSTICE
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JUSTICES
PETRA JIMENEZ MAES
EDWARD L. CHÁVEZ
CHARLES W. DANIELS
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September 13, 2017

Henry Valdez, Director
Administrative Office of the District Attorneys
Santa Fe, New Mexico

Dear Henry:

I am following up on my request in our recent conversations for constructive feedback from all New Mexico district attorneys about any concerns or suggestions they may have with regard to the 2016 constitutional amendment passed by the Legislature and New Mexico voters, the 2017 implementation rules promulgated by the Supreme Court, current statutory provisions relating to release and detention, and any policies we may be able to address. Please share this letter with all of the State's district attorneys.

All of us are dealing with new legal realities as a result of the constitutional amendment. Although it basically incorporates public safety and equal protection reforms that have already been adopted and implemented successfully by the federal government and other jurisdictions around the United States and that are in the process of being implemented in even more, it is new to us in New Mexico, and there is an inevitable learning curve we are all experiencing.

Although it is inappropriate for us to litigate individual cases outside the normal processes prescribed by the rule of law, we can freely discuss whether changes are needed in procedures and policies. There are some things our court cannot change, such as the federal constitution and federal precedents construing its protections. Our court also cannot change the requirements of the State Constitution that we must honor in our rules and rulings. As you know, there were some amendments to the Supreme Court's original proposed amendments to the pretrial release and detention provisions of the State Constitution that took place during the legislative process before the amended proposal made it to the voters, such as limiting detention authority to courts of record (currently district courts only, as a statutory matter) and requiring prosecutors to request pretrial detention rather than permitting judges to impose detention without a prosecutor's motion (which would now require a constitutional rather than a statutory amendment to change). Those are legal realities we all now have to work with.



Our court, in exercising its rule-making responsibilities, is open to considering any constructive suggestions for making specific rules changes that comply with controlling law and make our criminal justice system work better, both for public safety and for the fair administration of justice. Input from all those involved in our justice system is helpful in that process. Although written communications I can share with the entire court are desirable, I would also be glad to meet personally with the State's district attorneys at one of your upcoming meetings to discuss any concerns in a less structured setting. We can do both.

Making sure we do this as well as we can is important for both public safety and public justice. On behalf of the Supreme Court, I look forward to working with you.

Best regards,

A handwritten signature in black ink, appearing to read "Charles W. Daniels".

Charles W. Daniels