

SOURCE DOCUMENT

From the pretrial success story to the repeat-offender file

How Judge the Bench arrived at the courtroom rankings.

1. Why this document exists

The published study is a ranking of thirteen New Mexico courtrooms. The ranking is not where the work started. It started with a public claim by the Administrative Office of the Courts that pretrial services was working, and with a crime picture in the state's metros that did not look like a program working. The path from that claim to the ranking runs through a records request, a refusal to produce judge-level data, a discovery inside the data that was produced, a list of 150 repeat offenders, a download of more than 5,000 of their criminal cases, a relational database, and a courtroom-by-courtroom and offender-by-offender reading of how those cases closed. The published unit is the courtroom.

2. The official story: pretrial services was a success, and it was expanding

For several years the Administrative Office of the Courts described pretrial services as a program that had already proved itself and was therefore being taken statewide. The claim was not a single press release. It was a sequence.

September 15, 2021

AOC Director Artie Pepin said improvements to New Mexico's pretrial practices were "working to promote community safety and honor the constitutional principles of the American justice system." He said the evidence showed that "the great majority of people released pending trial are not committing new crimes," and that blaming judges for crimes in the news "does nothing to make anyone safer." The release pointed to a University of New Mexico Institute for Social Research study of nearly 10,300 Bernalillo County felony cases, July 2017 to March 2020, in which defendants had been released pending trial. The AOC's reading of that study was that 95 percent were not arrested for a violent crime while on release, that about four in five were not arrested for any crime, and that 13 of 10,289 were arrested for a first-degree felony.

The 2023 annual report

The Pretrial Justice Program's 2023 report said the program "continued to receive confirmation that its evidence-based practices are effective at improving public safety and court appearance rates." It cited a mid-2023 study by the UNM Institute for Social Research and the Santa Fe Institute: among more than 15,000 felony defendants released pretrial over four years, less than 1 percent were arrested for a second-degree felony and less than one-tenth of 1 percent for a first-degree felony. The same report treated 2023 as a year of expansion. Programs were in 16 counties. The Fourth and Twelfth districts were in implementation. The Eighth and Ninth were "on the horizon." The Fifth, Seventh, and Tenth were described as the final stage of statewide implementation. Gilbert Jaramillo had just become senior statewide pretrial program manager. The report called 2023 "the year of data" and said the program possessed "some of the best data in the country."

The 2024 annual report

The 2024 report, posted by the AOC in January 2025, said the program “has continued its expansion of pretrial programs statewide.” Implemented sites listed in that report were the First (Santa Fe, Rio Arriba, Los Alamos), Third (Doña Ana), Fourth (San Miguel, Guadalupe, Mora), Sixth (Grant, Luna, Hidalgo), Eleventh (San Juan, McKinley), Twelfth (Otero, Lincoln), and Thirteenth (Sandoval, Valencia, Cibola). Launches anticipated before the end of fiscal 2025 included the Seventh (Torrance, Socorro, Sierra, Catron), Eighth (Taos, Colfax), Ninth (Curry, Roosevelt), and Tenth (Quay, De Baca, Harding). A July 22, 2025 AOC release on the Eighth District said AOC-supported programs were already in districts covering two dozen counties, and called the work “part of the Judiciary’s ongoing initiative to improve New Mexico’s justice system by building a statewide network of pretrial services.”

The 2024 report’s outcome page is the number the success claim rests on. For fiscal 2024 the sample was 16,047 cases across six districts. The AOC reported a 74 percent appearance rate, a 72 percent safety rate, and a 90 percent no-new-violent-criminal-activity rate. Appearance meant the released person attended all scheduled hearings. Safety meant the released person was not charged with another crime. The violent-crime figure meant the released person was not charged with a violent crime. The sample was cases filed within five years, with a Public Safety Assessment, a verified release, and a disposition in fiscal 2024, supervised and unsupervised combined. A University of New Mexico revalidation on 22,387 cases from July 1, 2017 through June 30, 2023 was cited as confirming that the assessment predicted failure to appear and new criminal activity.

That is the glowing report. High rates. A validated tool. A program described as a national leader. And an implementation map that, by the time of the records request, covered most of the state’s judicial districts, with the remaining districts queued. An October 14, 2026 AOC release, after this project had already published, kept the same sentence in circulation: courts “continue to improve pretrial services across the state to advance public safety,” and AOC-supported programs were “in place in most of New Mexico’s judicial districts.”

3. The paradox in the metros

The success claim sat next to a crime record that residents of the metros did not need a dashboard to see.

Albuquerque’s own homicide series, as reported by the Albuquerque Police Department and contemporaneous news accounts, ran 70 in 2017, 69 in 2018, 80 in 2019, 78 in 2020, 110 in 2021, and a then-record 120 in 2022. APD described the 2017-to-2022 change as a 71 percent increase and called homicide a problem the department could not deny even in years when other categories moved. In January 2022 the Legislative Finance Committee told its chair that violent crime was up in at least 20 New Mexico communities, not only Albuquerque, and that the city’s 2021 homicide count was an acute rise from 2020. State Police homicide investigations rose from 10 in 2020 to 17 in 2021. A broader Albuquerque-metro count kept by ABQ RAW, which does not omit justified and officer-involved deaths the way some police year-end tables do, put the metro at 151 homicides in 2023 and 134 in 2024.

The paradox is not that every monthly statistic was still rising on the day the records request was filed. By 2025 APD was reporting declines from the peak in several categories, including homicide, and a legislative handout in 2026 said some of those declines had continued, while felony arrests were up. The paradox that prompted the review was already in place: during the same years the AOC was calling the program effective and using that effectiveness to justify expansion, New Mexico’s largest metro set

homicide records, and violent crime was up across a list of communities. A program sold as a public-safety success was expanding through the worst homicide years the state's largest city had recorded.

The paradox is also in the denominator. The AOC's 90 percent figure is the share of already-released people who were not charged with a new violent crime during the pretrial window. It is not the share of cases that reached a conviction, a plea, or an acquittal. It is not a count of how many times the same person was released. It is not a statement about what happened to the case after release. A high "no new violent charge this window" rate can sit beside a metro that is more violent, if the people outside that 90 percent, and the people whose cases never reach a merits ending, are the ones generating the cases residents actually see. That is the question the raw data was supposed to answer. The published rates could not answer it, because they were not built to.

4. The decision to look at the raw file

The determination, before any case was downloaded from Case Lookup, was to review the Pretrial Services raw data and reconstruct the calculation. If the AOC could say the program was successful enough to expand into court after court, the underlying rows should show how that determination was made: who was released, on what decision, under what supervision, and who was charged again. The request was aimed at the Administrative Office of the Courts because that office generates the pretrial reports, runs the Public Safety Assessment operation, and publishes the annual rates. The form itself notes that the AOC does not hold court records. The ask was for the program's own dataset, not for a clerk's paper file.

5. The records request and the response

A request for public records (IPRA) launched the project.

April 26, 2026, 10:33 a.m.

A Judge the Bench volunteer submitted an Inspection of Public Records Act request to the Administrative Office of the Courts. He asked for the most recent 36 months of available data, as of the date of processing, covering all criminally charged defendants, felony and misdemeanor, in district, metropolitan, and magistrate courts statewide. He asked for three things.

- Aggregate statistics by individual judge, or judge ID, sufficient to calculate how many defendants that judge released or detained at the initial pretrial decision, what share were released under any supervision, and, of those released, what share were rearrested or charged with a new offense during supervision or during the pretrial period. Related metrics were requested if they existed: failure to appear, supervision conditions, PSA risk level, supervision start and end.
- If feasible, a de-identified or aggregated electronic export, CSV or Excel, with the fields needed to compute those rates: judge name or unique judge identifier, court or district, case type, arrest or charging date, pretrial decision date and outcome, supervision type and conditions, rearrest during supervision with date and new charge, and outcome flags for failure to appear, technical violations, and successful completion.
- Any existing reports, data dictionaries, dashboards, or documentation describing how release, supervision, and new criminal activity are tracked in Odyssey or the NM dataXchange platform.

He asked for electronic format, offered to accept a rolling production, and offered to narrow the request.

April 27, 2026, 4:40 p.m.

Karl Reifsteck, records custodian, acknowledged the request. He said the AOC would need additional time because of its extensive nature, and set the response date at “on or before” May 11, 2026.

May 11, 2026, 5:01 p.m.

Reifsteck wrote that an internal network issue would delay the response by one day, to May 12.

May 12, 2026, 1:45 p.m.

The itemized response is the document that changed the project. On the request for aggregate statistics broken down by individual judge or judge ID, the AOC said it does not have records responsive to that request. On the export, judge name and unique judge identifier were marked “no responsive records.” Court or district, case type, arrest or charging date, pretrial release or detention decision date and outcome, supervision type and conditions, and pretrial outcome flags were marked as included. Rearrest during supervision was marked included, with a caveat.

What was actually produced for the export was not a row-level file with a judge column. It was a five-year report and a separate metadata report. For the documentation request, the AOC included the 12-month rolling Pretrial Justice Outcomes and Data report starting May 2025, and the Pretrial Justice Program annual reports for 2022, 2023, and 2024. Reifsteck noted that when one outcome came from one defendant and one incident but multiple cases, those cases were combined in the data shown in the export, while the annual reports count each case separately. The files were posted to a Google Drive folder for 30 days, with extensions on request.

The refusal that matters is the first one. The question the request was built to answer — which judge released whom, and what share of that judge’s releases picked up a new charge — was the question the AOC said it had no record to answer. The success rates in the annual reports remained district-level and statewide. They still could not be recomputed by the judge who made the decision.

6. The discovery that moved the project off pretrial services

The production was enough to see the shape of the AOC’s success metric, and not enough to test it at the courtroom. Reading it against the public case record produced the discovery that shifted the work.

The volume was not spread across the defendant population. A small number of people accounted for a disproportionate share of cases and of recorded releases. The cohort file that came out of that reading ranks court party IDs by cases from 2020 forward and still carries a Releases_in_2020 column, which is the pretrial question surviving inside the new frame.

That concentration is the discovery. Pretrial services was being judged by a rate among people released once, during one pretrial window. The people driving the visible cycle were not one-window defendants. They were people with dozens of cases, dozens of releases, and a new filing after a closing that never reached the merits. A program-level safety rate could not describe them. Their case histories could. The analysis moved from “was pretrial services successful” to “who are the repeat offenders, and what did the courts do with their cases.”

7. The 150, and the download

The working list was the 150 most prolific repeat offenders in the state file, ranked by case volume from 2020 forward and identified by court party ID so that spelling variants would not split one person into several. From that list, every criminal case that could be located for every one of the 150 was downloaded from New Mexico Courts Case Lookup. The result was a collection of more than 5,000 cases, covering 2020 through mid-2026, with older history pulled in where the docket still carried it. The published study uses that collection: 150 defendants who had cycled through New Mexico jails, and more than 5,000 case outcomes.

Case Lookup was the source because the AOC had said it did not hold the court record and did not have a judge-identified pretrial extract. The case-detail page does hold the fields the pretrial extract lacked: the charge, the plea, the disposition, the disposition date, the hearings, the register of actions, and the judge-assignment history with dates and sequence numbers. The download was HTML, one case page at a time, not a bulk feed.

8. From five thousand pages to a relational database

Python scripts turned the HTML into a database. Offender names were normalized to account for slight differences found in case files despite sharing the same court party ID in the pretrial data obtained from the AOC. The current judge in each case was distinguished from the judge who closed the case, if they were different.

How a closing was classified

A disposition is treated as problematic — the site’s non-merits category — when the charge is not resolved on the merits, meaning it did not end in a conviction, a plea, or an acquittal. The included closings are a finding of incompetence, a dismissal for failure to prosecute, a State notice of dismissal (nolle prosequi), and a deferred dismissal. Transferred cases and still-open cases are not non-merits closings. Open cases have no disposition judge. A case is placed in a courtroom by the judge assigned at disposition. The published page is about that courtroom, not about the judge as the actor in every closing.

State notices of dismissal (nolle prosequi)

A nolle prosequi is a formal statement by the prosecutor that the State will no longer prosecute a pending charge or case. New Mexico appellate courts describe it as “a dismissal of criminal charges filed by the prosecutor, usually without prejudice,” meaning the State may refile unless some other bar applies.

New Mexico law treats the nolle as the prosecutor’s instrument. Current Rules 6-506.1, 7-506.1, and 8-506.1 NMRA let the prosecution dismiss by filing a notice of dismissal. They no longer contain the older “shall endorse” sentence. Under *State v. Gardea*, endorsement once made a metropolitan nolle effective and was a narrow check against misuse, not a general power to keep the case alive. *State v. Heinsen* still allows a court to intervene if the State is using a dismissal to delay or to circumvent the rules. Refusal is the exception: sham, bad faith, delay, circumvention of the six-month rule or other procedural protections, or an attempt to unwind a binding prosecutorial commitment. On the site, the page is titled “In the Courtroom of Judge [Name].” The pattern sentence is “the pattern of problematic dispositions in the courtroom of Judge [Name].” A nolle example is “the prosecutor filed a notice of dismissal (nolle prosequi) in the [charge] case against [defendant], assigned to Judge [Name] at the time.” The judge is the assignment. The prosecutor is the actor. Do not write that the judge endorsed, dismissed, or tossed

the nolle. Failure to prosecute and a finding of incompetence remain judicial dispositions, and those examples still name the judge: “Judge [Name] dismissed for failure to prosecute” and “Judge [Name] dismissed as incompetent.”

9. Why the website shows thirteen courtrooms

The queries found the practice in more courtrooms than the site features. The June file alone puts high problematic rates on Estrada, Safier, Grijalva, Wingenroth, Duffin, and others who are not in the published thirteen. The pattern in that wider set is the same one the site now describes by courtroom: repeated non-merits closings of cases against the same 150 people, followed in a large share of files by a new charge. That is a description of the record in the courtroom, not a criminal charge, and not a claim that the judge filed the nolle. A State notice of dismissal is the prosecutor’s act in a case assigned to that courtroom. The limit is the one in section 8.

The website does not try to feature every courtroom in that wider set. It highlights thirteen courtrooms in which, on the record compiled for publication, a large portion of the reviewed repeat-offender cases closed without a merits ending, and in which the sitting judge was seeking retention in November 2026. Retention is the reason for the cut: the ballot question is the judge, and the record presented to the voter is the courtroom. A judge who is not on the ballot cannot be voted on. The write-up is titled “In the Courtroom of Judge [Name].” It leads with the non-merits rate among the reviewed cases in that courtroom, splits incompetent findings, failure-to-prosecute dismissals, and State notices of dismissal (nolle prosequi), and gives reoffense examples: the charge that closed, the prior-case count, and the charge filed next. The rate is not the rate against every case in that courtroom. A nolle example names the prosecutor as the actor and the judge as the assignment. A failure-to-prosecute or incompetence example names the judge, because those are judicial dispositions.

Rank	Courtroom	Court	Non-merits rate
1	Vidalia Chavez	Bernalillo Metropolitan	79% (34 of 43)
2	Maria I. Dominguez	Bernalillo Metropolitan	76% (58 of 76)
3	Brittany Maldonado Malott	Bernalillo Metropolitan	76% (32 of 42)
4	Jill Martinez	Bernalillo Metropolitan	74% (31 of 42)
5	Christine Rodriguez	Bernalillo Metropolitan	68% (27 of 40)
6	Manuel Arrieta	Third Judicial District	65% (17 of 26)
7	Douglas Driggers	Third Judicial District	60% (27 of 45)
8	Joshua Sanchez	Bernalillo Metropolitan	55% (42 of 76)
9	Bruce Fox	Second Judicial District	55% (12 of 22)
10	Jennifer Wernersbach	Second Judicial District	50% (6 of 12)
11	James Sanchez	Thirteenth Judicial District	43% (6 of 14)
12	Clara Moran	Second Judicial District	42% (10 of 24)
13	Jarod Hofacket	Sixth Judicial District	41% (9 of 22)

Five of the thirteen are Bernalillo County Metropolitan Court. The others are district courtrooms in the Second, Third, Sixth, and Thirteenth districts. Small denominators stay visible: Wernersbach is 6 of 12, James Sanchez is 6 of 14, Hofacket is 9 of 22. A valid reason can exist in a single file. The claim is the pattern.

10. After publication: Maria I. Dominguez

Maria I. Dominguez was published as the second courtroom in the ranking, 58 of 76 reviewed cases closed without a merits ending, 76 percent, Bernalillo County Metropolitan Court. She was included because, at the time the thirteen were selected, she was understood to be seeking retention.

Since publication, the project has confirmed that she will not be seeking retention. The public record is firmer than a late withdrawal. On July 15, 2026, the Bernalillo County Metropolitan Court Judicial Nominating Commission announced a vacancy in Division VI effective September 1, 2026, because of her retirement effective August 31, 2026. The commission met on September 2, 2026, to interview applicants for that vacancy. Ballotpedia lists her as not running for the Division VI seat in 2026. Her last retention vote was November 8, 2022, at 66.3 percent.

She stays in the study. The 76 cases are still dispositions in her courtroom, and the rate does not change because she left the bench. She does not stay in the retention frame. The retention set drawn from the original thirteen is the other twelve, unless a further check removes another name. Her page remains the case record, titled as the courtroom, with a line that she retired effective August 31, 2026, and is not on the November ballot.

11. Limits

- The AOC never produced the judge-level pretrial file. Courtroom rates in this project come from Case Lookup dispositions, placed in a courtroom by the judge assigned at disposition.
- The 74, 72, and 90 percent AOC figures are rates among people already released, during a pretrial window, in a defined sample. They are not a finding that crime fell, and they are not a finding that cases were resolved on the merits.
- The published rate is among reviewed cases of the 150 in that courtroom, not against every case on the docket. The non-merit board does not calculate a whole-docket rate. The page frame is “In the Courtroom of Judge [Name]” and “in this courtroom.”
- “Problematic” covers four closings, and they are not the same act. Incompetence and failure to prosecute are judicial dispositions. A nolle prosequi is a State notice of dismissal filed by the prosecutor, in a case assigned to the judge at the time.
- An incompetence closing is counted because it is a non-merits ending followed, in this file, by new charges. It is not a clinical finding.
- Person identity is incomplete at the margin: ten blank defendant fields and two named defendants have no person ID.
- Maria I. Dominguez is in the case ranking and out of the retention ranking.
- The Bernalillo District Attorney’s office closed more of these repeat-offender cases without a merits ending than the judges did.

12. Chronology a short report can compress

When	What happened
2021–2025	AOC describes pretrial services as effective and expands it toward a statewide network. FY24 rates: 74% appearance, 72% safety, 90% no new violent charge, on 16,047 cases.
2017–2022	Albuquerque homicides rise from 70 to a record 120. LFC finds violent crime up in at least 20 communities. The paradox that prompts the review.

When	What happened
Apr 26, 2026	Judge the Bench volunteer asks the AOC for 36 months of pretrial data, including by judge, and for the raw export.
Apr 27 / May 11	AOC sets a May 11 response, then delays one day for a network issue.
May 12, 2026	No judge-level records. Five-year report, metadata, 12-month outcomes report, annual reports for 2022–2024.
After the production	Discovery of concentration. Work shifts from pretrial success rates to repeat offenders.
Then	150 most prolific party IDs listed. Every locatable criminal case downloaded. More than 5,000 cases.
Sep 17, 2026	Site, two boards, and press release. Thirteen courtrooms, chosen as retention candidates with high non-merits rates in the file.
Sep 18	Incompetence and DA-attributed figures posted from the boards.
After publication	Dominguez confirmed not seeking retention. Public record: retired effective August 31, 2026.

13. Files this source document rests on

- IPRA_AOC_Pretial_Request_and_Response_April-May_2026.pdf — the April 26 request and the May 12 response.
- AOC Pretial Justice Program annual reports for 2022, 2023, and 2024, and the September 15, 2021, July 22, 2025, and October 14, 2026 releases.
- 5,356 case files downloaded in html format from nmcourts.gov.