

Administrative Office of the Courts

Supreme Court of New Mexico

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Judicial Information Division (JID)

Entering a Deferred Sentence with a Penalty Assessment Misdemeanor Charge **Standard Operating Procedure**

Updated: 10/2016

Entering a Deferred Sentence with a Penalty Assessment Misdemeanor Charge

1. COURT / DEPARTMENT / DIVISION

For Magistrate courts.

2. USER

Court Clerks.

3. PURPOSE

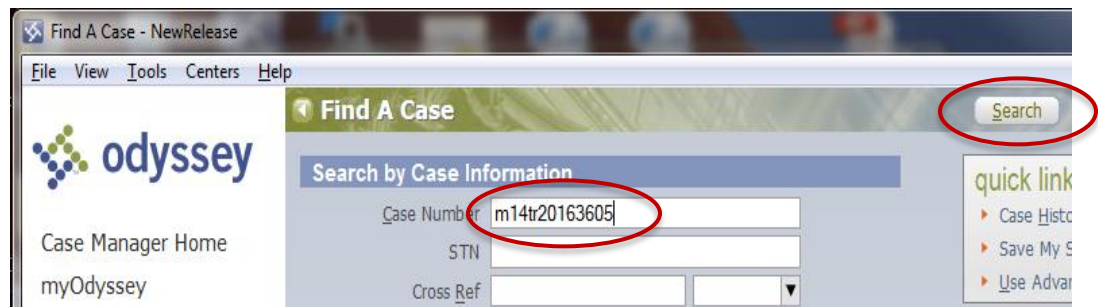
Used when entering a Deferred Sentence for a Penalty Assessment Misdemeanor Charge with a Plea, Disposition and Sentence.

4. STEPS

1. Plea data is entered whenever a plea is filed with the Court. It may be at the time of Disposition or earlier in the case.
 - a. In Odyssey, go to Find a Case



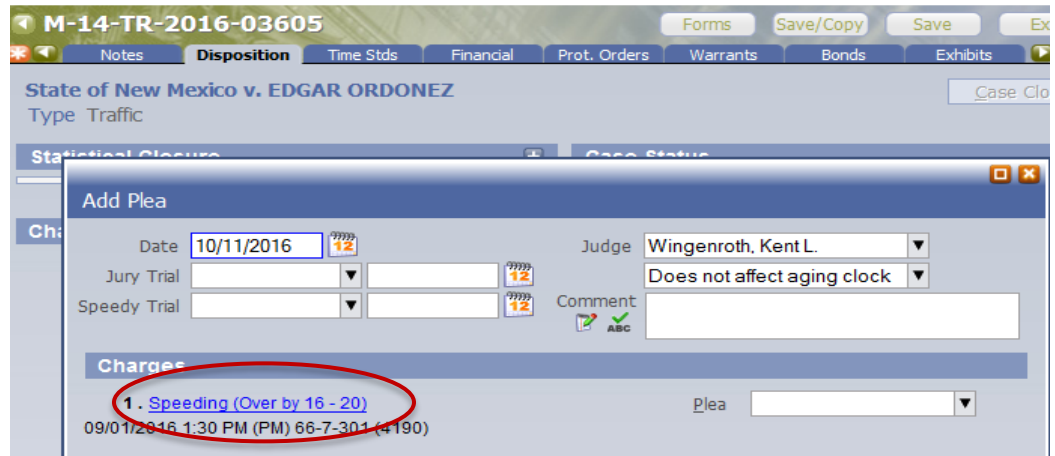
- b. Enter Case number
- c. Click on Search



- d. Click on the Disposition tab
- e. Click on the Yellow Plea hyperlink



- f. Add Plea dialog box will appear
- g. Check each charge to see if it has been amended or modified. If it has been modified or amended per the plea update the charge by clicking on the Blue Charge hyperlink



- h. Modify Charge Detail dialog box will appear. Update the Charge by clicking on the code field and changing the code in the charge on the plea document. Check to be sure that the degree field is correct and if it is not, update it to the correct degree for the new charge



- i. Once the code has been updated, click the Continue button

Off. Date 09/01/2016 Time 1:30 PM Fine 65.00
To To Bond 65.00
 On or About At or About Bond Type

Type	Statute	Description
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No Additional Statutes exist.
Click the add icon to add a new Additional Statute.

Continue Exit Charge ID 6722056

- j. Once the changes match the Plea Document, click the drop down arrow to select a plea on each charge to match the Plea Document.
- k. Click Save button

Odyssey Case Manager Home
State of New Mexico v. EDGAR ORDONEZ
Traffic
Change Disposition
No disposition information exists for any charges.
Add this
Date 10/11/2016
Specify Year
Charges
1. Speeding (Over by 16 - 20)
Plea
No Contest
Find Study
Save

- l. Or click Next button to enter the Disposition code
2. Enter Disposition Data
- a. Click on the Disposition tab of the case for which the Disposition needs to be entered
 - b. Click on the Yellow Disposition hyperlink

M-14-TR-2016-03605 Forms Save/ Copy Save
Conditions Notes Disposition Time Stds Financial Prot. Orders Warrants
State of New Mexico v. EDGAR ORDONEZ
Type Traffic
Statistical Closure Case Status
10/11/2016 Pending
Charge Disposition All Plea Disposition
1. Speeding (Over by 16 - 20)
09/01/2016 1:30 PM (PM) 66-7-301 (4190)
Plea 10/13/2016 No Contest

- c. Add Disposition dialog box will appear

- d. Check each charge to see if it has been Amended or Modified. (e.g., the Judge has agreed to a lesser charge) If so update the charge by clicking on the Blue Charge hyperlink

- e. Modify Charge detail dialog box will appear. Update the charge by clicking in the code field and changing the code on the Dispositional Document or press the F4 key to look up the code to match the Disposition on the document

- f. Confirm the degree field matches the charge on the Disposition documents
- g. Once the code has been updated, click Continue button

Modify Charge Detail

Charge Detail for Defendant: ORDONEZ, EDGAR

Jurisdiction: [Dropdown] STN: [Text]
 # 1 Prosecuting Agency: [Dropdown] Citation # 0779064368327
 Cgde 4190 Degree Petty Misdemeanor GOC [Dropdown]
 Statute 66-7-301 Description Speeding (Over by 16 - 20)
 Off. Date 09/01/2016 Time 1:30 PM Fine 65.00
 To [Text] To [Text] Bond [Text]
 On or About At or About Bond Type [Dropdown]

Additional Statutes

Type	Statute	Description
No Additional Statutes exist. Click the add icon to add a new Additional Statute.		

Continue **Exit** Charge ID 6722056

- h. Confirm all charges match the Dispositional document, use drop down menu to enter a disposition for each charge addressed in the Dispositional document.
- i. Click Save button

Add Disposition

No disposition information exists for any charges.
Select the Plea hyperlink to add a Plea.

Offense: 66-7-301
 Judge: Wingenroth, Kent L.
 Disposition: **Deferred Sentence** (Selected)
 Other options: Accused - Bench Trial, Accused - Jury, Accused - Appeal, Dismissal - Accused, Dismissal - Accused/Complaint, Conditional Discharge - Pending, Conditional Discharge - Dismissed, Conviction - Bench Trial.

Save

3. Entering Sentencing Data

- a. Yellow Sentence hyperlink on the Disposition tab is not available until at least one of the charges on the case has a Disposition that carries a sentence
- b. Add Sentence Dialog box appears

M-14-TR-2016-03605 Forms Save/Copy Save Exit

Summary Detail Parties Charges Events Service Hearings Conditions

State of New Mexico v. EDGAR ORDONEZ Case Close

Type Traffic

Statistical Closure Case Status 10/11/2016 Pending

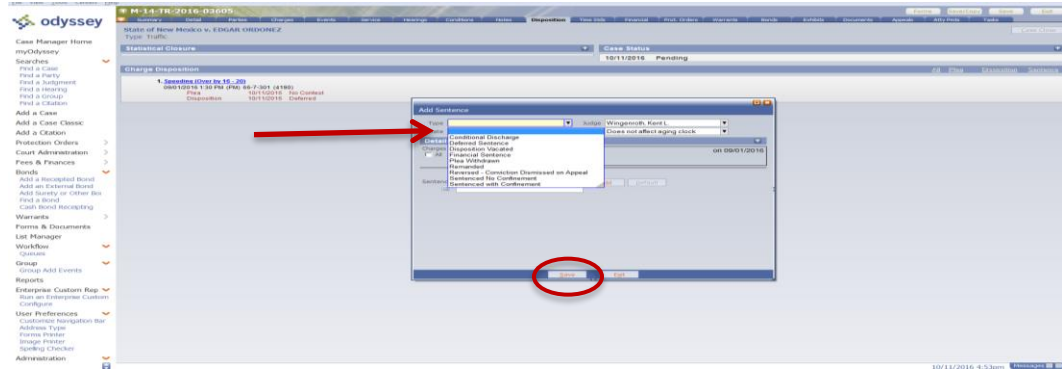
Charge Disposition All Plea Disposition Sentence

Add Sentence

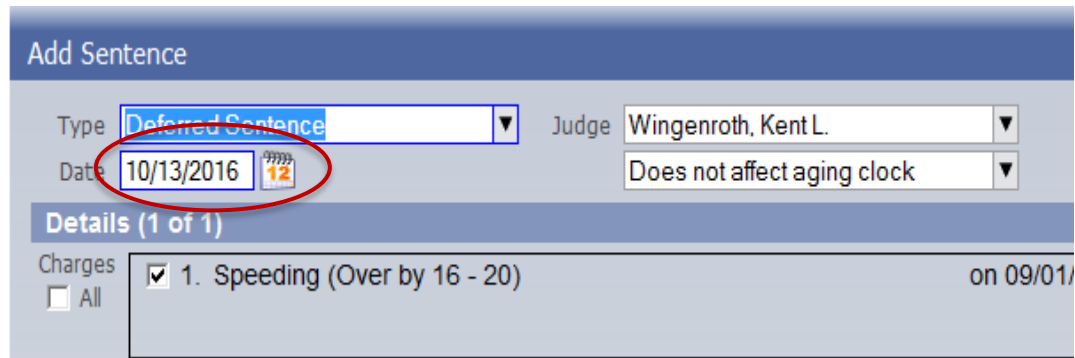
Type [Dropdown] Judge Wingenroth, Kent L.
 Date 10/11/2016 Does not affect aging clock

Details (1 of 1)

- c. Click drop down menu and select Deferred Sentence as Type is a required field



- d. In the date field it defaults to “today’s” date, enter the date on the Sentence document



- e. Judge will default to Case Judge; change the Judge go to the Detail tab and reassign case to Judge who sentences the case so it will default on the Sentence tab.



- f. Select one of the Charges as this is a required field

Add Sentence

Type: **Deferred Sentence** Judge: **Wingenroth, Kent L.**

Date: **10/13/2016** **12** Does not affect aging clock

Details (1 of 1)

Charges

All 1. Speeding (Over by 16 - 20) on 09/

- g. Once a Sentence Type, Sentence Date, and Charge have been entered or selected the Default button will light up

Add Sentence

Type: **Deferred Sentence** Judge: **Wingenroth, Kent L.**

Date: **10/13/2016** **12** Does not affect aging clock

Details (1 of 1)

Charges

All 1. Speeding (Over by 16 - 20) on 09

Sentence

- h. Click Default button (ALT+D) and sentence components will appear on the screen in order below:

- i. Probation-

Probation

Term Years Months Days

Credit for Time Served Years Months Days

Supervision Level

Concurrent/Consecutive

Concurrent Consecutive

Case #

Count #

Total Term: Years Months Days

Pay Cost for Probation

Comment

1. Enter Probation term in months and/or days
2. Click on the Plus (+) sign
3. Add Supervision dialog box will appear

Probation
Term Years Months Days Credit for Time Served Years Months Days
Supervision Level +
Add Supervision Level
Level
Agency
Term Years Months Days
Continue Exit

4. Enter the level of Probation Supervision, Supervision Agency, term
5. If Judge has imposed more than one level of supervision for the probation term, e.g., 180 days Supervised and 179 days unsupervised
6. Click on Plus (+) sign, add another level of supervision following directions above

Probation
Term Years Months Days Credit for Time Served Years Months Days
Supervision Level +
Add Supervision Level
Level
Agency
Term Years Months Days
Continue Exit

7. Uncheck Pay Cost for Probation box if Judge has not required the Defendant to pay Probation Costs

Concurrent/Consecutive
 Concurrent Consecutive
Case #
Count #
Total Term: Years Months Days
 Pay Cost for Probation
Comment

8. Enter any comments in Comment box

Case #
Count #
Comment

ii. Condition-Adult-

Condition - Adult

Conditions

Comment

1. Click on Picker box

Condition - Adult

Conditions

2. Select Codes dialog box will appear

Charges All

Probatio
Term

Superv

Concu

Case #

Count #

Conditio
Conditions

Select Codes

Description Code

Show Selected Codes Only

Sort

Condition Type

	Description	Code	Condition Type
1.	<input type="checkbox"/> 26 Week Domestic Violence class	26WKDVCLS	Single
2.	<input type="checkbox"/> 28 Day In-Patient Treatment	28DAY	Single
3.	<input type="checkbox"/> 30 Day DWI Program	30DAYDUI	Single
4.	<input type="checkbox"/> 52 Week Domestic Violence class	52WKDVCLS	Single
5.	<input type="checkbox"/> 90 Day Out Patient Treatment	90DAY	Single
6.	<input type="checkbox"/> Abide by a curfew time	CURFEW	Single
7.	<input type="checkbox"/> Actively seek employment	SEEKEMPLOY	Single
8.	<input type="checkbox"/> ADE Needs Assessment Screening	ADESCREEN	Single
9.	<input type="checkbox"/> Advised that MVD may suspend or revoke MVD SUS	MVDSUS	Single
0.	<input type="checkbox"/> Agree to medical or psychological treatment	VOLTREAT	Single

176 Results - Pa

<<Back

a. A Macro named Traffic was created, when selected it will load a set of default conditions

Select Codes

Description Code

Show Selected Codes Only Sort

Condition Type

Description	Code	Condition
1. <input type="checkbox"/> Dona Ana County Probation Conditions	IM-DAPRBCND	Macro
2. <input type="checkbox"/> DV Macro Dona Ana Cty	M-DADV	Macro
3. <input type="checkbox"/> DWI First Macro Dona Ana Cty	M-DADW1	Macro
4. <input type="checkbox"/> DWI Second offense macro Dona Ana	CM-DADW12	Macro
5. <input type="checkbox"/> DWI Third offense macro Dona Ana Cty	M-DADW13	Macro
6. <input type="checkbox"/> Minor in Possession macro Dona Ana	CtM-DAMIP	Macro
7. <input type="checkbox"/> Misdemeanor macro Dona Ana Cty	M-DAMSD	Macro
8. <input type="checkbox"/> Traffic macro Dona Ana Cty	M-DATRF	Macro



- b. If additional conditions are ordered for the case, select them as well
- c. Click Add button, and conditions will be added to the Sentence

Condition - Adult

Conditions

- d. Each condition that is showing up in green has additional fields that can be completed, which include location, amount, and comment. Click on the condition to activate these fields

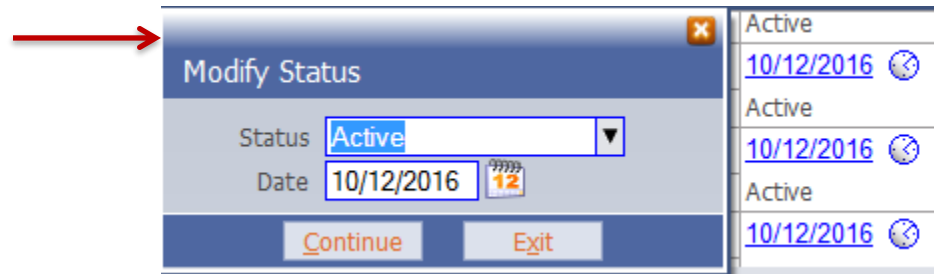
Condition	Duration	Amount
	Location	Comment
Pay Fines and Fees		
Notify of Change		
Do not violate an		

- e. Each Condition has an effective date, end date and status. These fields may be used by courts to track compliance.

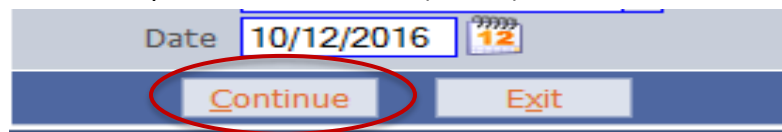
Condition	Duration	Amount	Effective	End	Status
	Location	Comment			
Pay Fines and Fees			10/12/2016		Active
				10/12/2016	Active

- i. Effective date will default to today's date, click on the date to modify it

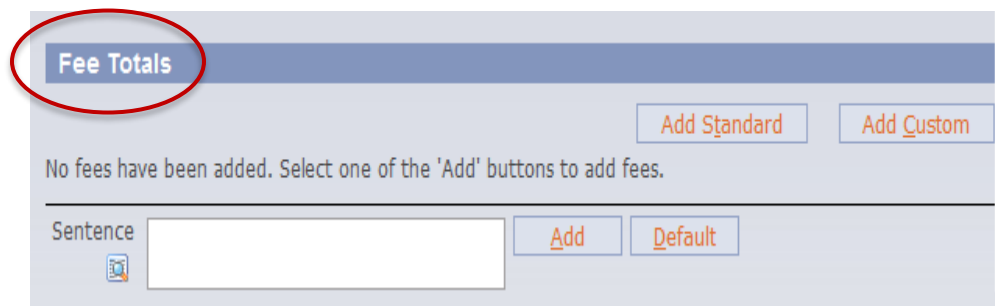
- f. Click the Blue Date hyperlink in the Status column, the Modify Status dialog box will appear



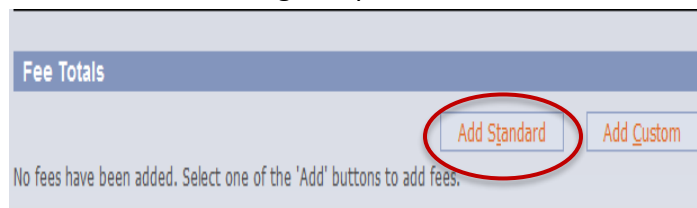
- g. Status (Active, Satisfied, or Closed) can be selected and date and be entered
- h. When complete, click Continue (ALT+C) button



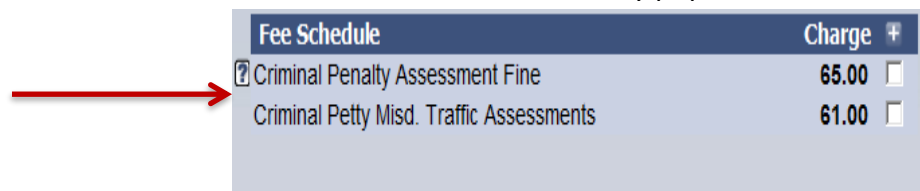
iii. Fee Totals-



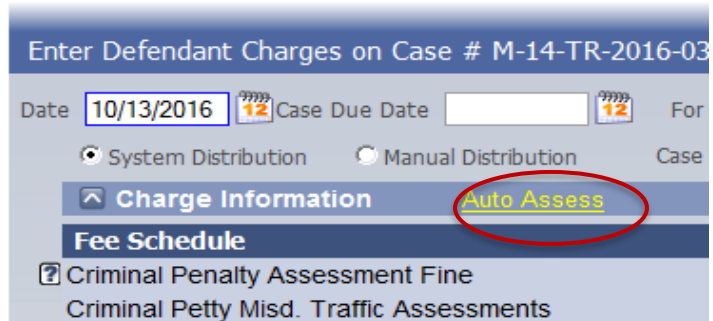
- 1. When charge falls into class of Penalty Assessment Misdemeanor it carries a Penalty Assessment Misdemeanor fine. When defendant receives a deferred sentence this fine is also deferred
 - a. To enter financial sentence and defer the Penalty Assessment Misdemeanor fines
 - i. Click Add Standard button (ALT + T) button in the Fees Total Sentencing component



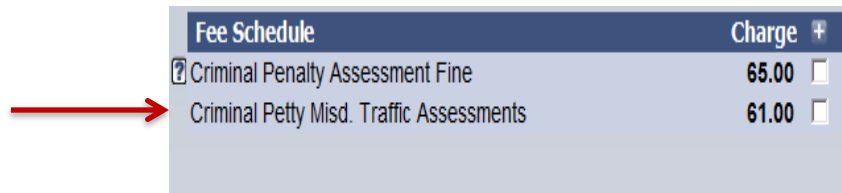
- ii. First time this is done on each case the appropriate fees and fines will automatically pop in



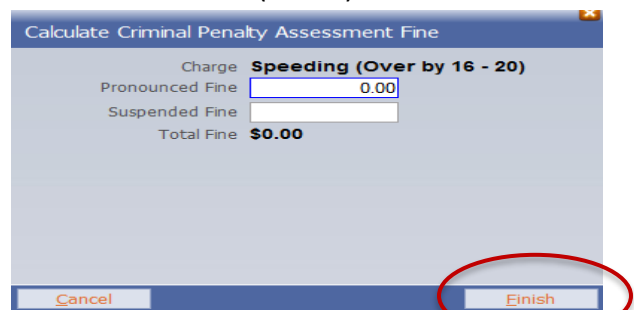
- iii. After the first time the fees and fines pop in clicking the Yellow Auto Assess hyperlink must be done to populate fees and fines



- iv. When the charge carries a penalty assessment fine, a dialog box Calculated Criminal Penalty Assessment Fine will pop up

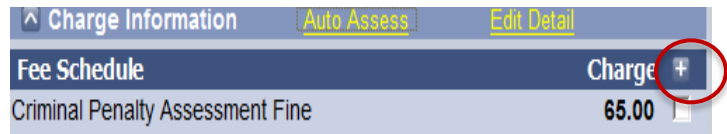


1. This box contains two fields: Pronounced Fine and Suspended Fine
2. Amount of Fine will default in the Pronounced Fine field
3. Since the Sentencing is deferred no fine is assessed, cancel the fine, enter \$0.00 as the amount
4. Click Finish button (ALT+F)



- v. Enter Defendant Charges on the case; dialog box will now display two lines. One will contain the Criminal Penalty Fine with an amount of \$0. The other line will contain the rest of the fees assessed on the case
- vi. When adding financial charges to the first charge on the case the Court Costs fees must be manually

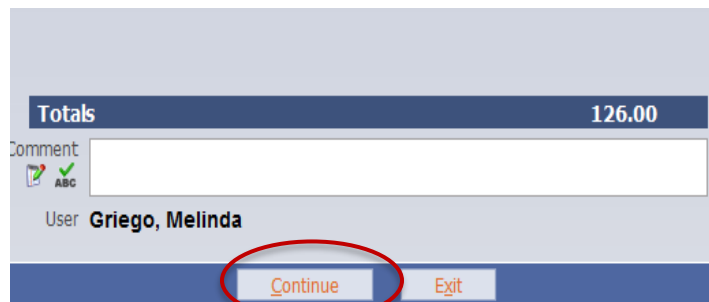
added to the default fees. To add this fee, after the financial charges have appeared in the dialog box, click Plus (+) sign



- vii. Select Fee Schedule dialog box will appear. From list of Charges, select Criminal Court Costs Fee by clicking the checkbox to the left of the charge, click the Continue button (ALT+C)



- viii. Review the Financial Charges to be sure they are all there. If the charges are correct, click Continue button (ALT+C)



1. If they the financial charges are not correct, it is better to click the Exit button (ALT+X)

Speeding (Over by 16 - 20)	
Pronounced Fine	\$ 65.00
Total Fine	\$ 65.00
Criminal Penalty Assessment Fine	65.00
Criminal Petty Misd. Traffic Assessments	61.00
Fee Totals	\$ 126.00

Sentence: [Add](#) [Default](#)

[Save](#) [Exit](#)

- ix. Once the Continue button clicked, the financial charges (Fees and fines) will appear in the Fee Totals sentencing component
2. Review the data. Scroll back through the sentence and verify that all data is correct, then click the Save button
3. Return to the Disposition tab
4. If the Defendant has been sentenced on more than one charge, click the Yellow Sentence hyperlink to enter the next sentence
5. The View Sentence History dialog box will appear
6. Click Add Sentence to add the next sentence
7. If the Judge has imposed a Deferred Sentence on another charge in this case, follow the above directions again
8. If the Judge has imposed a Conditional Discharge, a Financial Sentence, or a Sentence with Confinement on another charge in this case, refer to the procedure with that name