

# Administrative Office of the Courts

Supreme Court of New Mexico

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## Judicial Information Division (JID)

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Expunging Cases in FACTS  
**Standard Operating Procedure**  
**Version 1.1**  
*Updated: (07/2021)*

## Expunging Cases in FACTS

### COURT / DEPARTMENT / DIVISION

Magistrate Courts

### USER

Magistrate Court Managers or Supervisors with rights to manually enter a case

### PURPOSE

This procedure is to be used when an Order to Expunge Case Under Statute 29-3A-1 is received from the District Court that lists a Magistrate Court case number that can only be found in FACTS. The procedure will guide the user through how to manually open a case in Odyssey, mark it expunged and change the case styling to reflect an expunged case.

### INTRODUCTION

The Criminal Record Expungement Act, effective January 1, 2020, authorizes persons with criminal arrest records and criminal court cases to petition district courts in the district where the charges originated to expunge the records. Petitions to expunge records can only address records from one court case. According to the Act, “expungement” means:

the removal from access to the general public of a notation of an arrest, complaint, indictment, information, plea of guilty, conviction, acquittal, dismissal or discharge record, including a record posted on a publicly accessible court, corrections or law enforcement internet website. NMSA 1978, Section 29-3A-2.

If the court grants a petition to expunge, court records will be sealed to ensure that they are removed from access to the general public. Petitioners can seek expungement of three types of records:

1. Arrest and court records that wrongly identify a person due to identity theft;
2. Arrest and court records in a case that does not result in a conviction; and
3. Arrest and court records that result in a conviction.

Certain restrictions apply, such as waiting periods following a criminal conviction, and not all convictions are eligible for expungement. Petitioners must not be the subject of a recent arrest to be eligible for expungement. See ARTICLE 3A Criminal Record Expungement

<https://laws.nmonesource.com/w/nmos/Chapter-29-NMSA-1978#!b/a3A>

### RELEVANT DATA STANDARDS

Data Standards were approved by the Supreme Court on May 20, 2020. Using the data standards will result in improved data collection and reporting; improved data quality;

improved consistency in case processing; improved court efficiency; and improved ability to establish court staffing needs. Refer to the following data standards for any procedures that may or may not be specifically mentioned in this SOP:

General	Case Specific
1.2.0 Administrative Non-Case Types	2.6.0 Adult Criminal Data Standards – Case Management

## NAVIGATION

This procedure begins in FACTS. Verify the case number, date of the opening event and the exact name and date of birth in FACTS. Once this information is obtained, follow the steps below through Odyssey Case Management

FACTS Version 5 for Windows

Screens Edit Hot Keys Options View Windows

Name Index

Search Name: U00RBA

Search Type: Case-sensitive

Court/Location:

Case Category:

Case Type:

Aliases (Y/N)?:

Phonetic Search (Y/N)?:

Keyword Search (Y/N)?:

Citation Number:

Include Archived Cases(Y/N):

Person Name	w	Party	No.	Crt	Loc	Cat	Case No.	Case Type	Sta	Birth Date	Balance
U00RBACH JUSTIN M		D	001	M	0038	FR	0200600290	FR	FD	03/10/1982	
U00RBACH JUSTIN M		D	001	M	0038	TR	0201100827	TR	CL	03/10/1982	
U00RBACH JUSTIN M		D	001								
U00RBACH JUSTIN M		D	001								
U00RBACH JUSTIN M		D	001								
U00RBACH MANDY		D	001								
U00RBACH MANDY		D	001								
U00RBACH MATTHEW J		D	001								
U00RBACH MELANIE		D	001								

Register of Actions

Search Criteria

Case Number: M 0038 FR 0200600290 STATE US. U00RBACH

Party:

View Payment History Only Y/N?: N Event Category:

Order By Most Recent? (Y/N): N Beginning Date: - -

Case Information

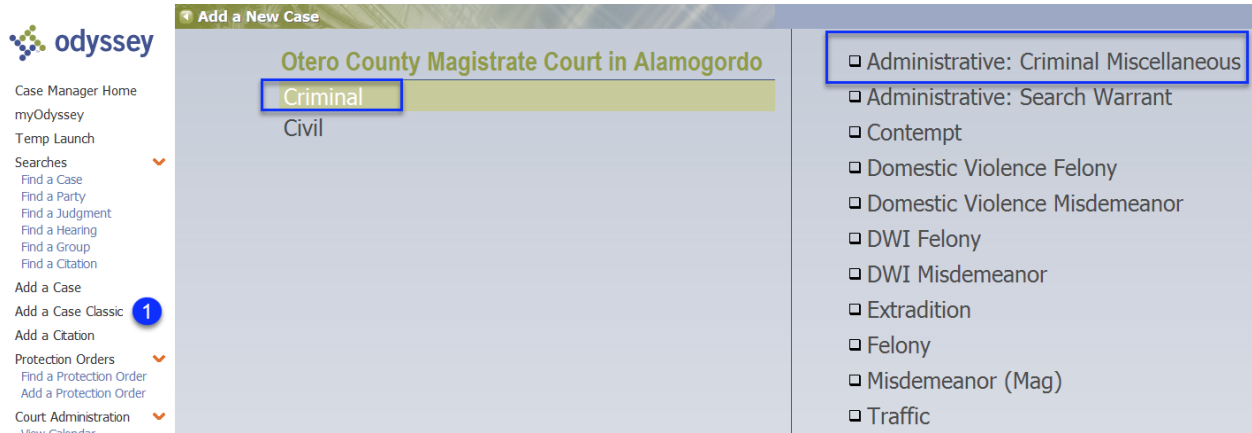
Filing Date: 06-05-2006 Type: FELONY

Judge: RICHARD R STOKELY

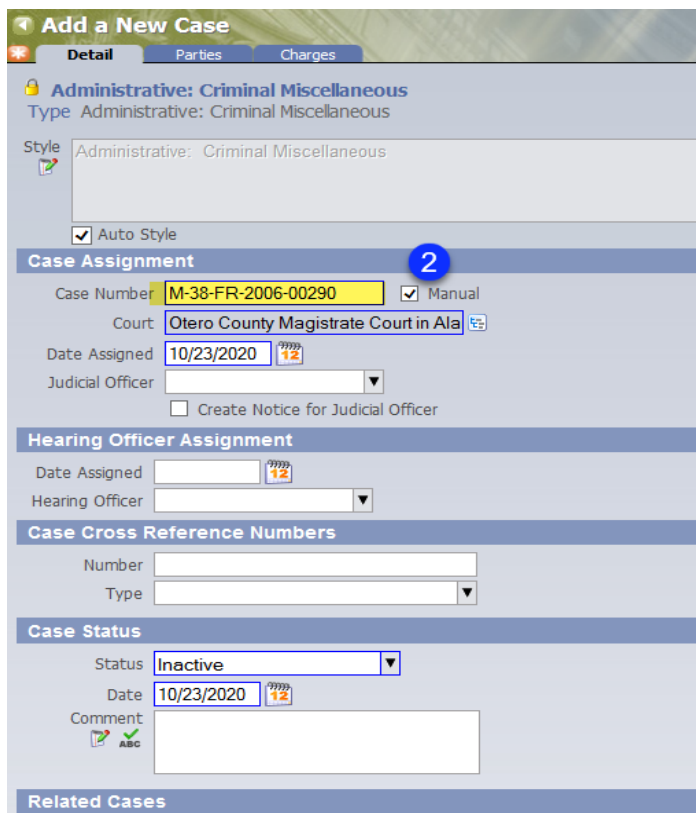
Date	Sq	Cnt	Txt	Party	No.	Event	Description
06-05-2006	1		Y	D	001	1001	OPN: CRIMINAL COMPLAINT F

## STEPS

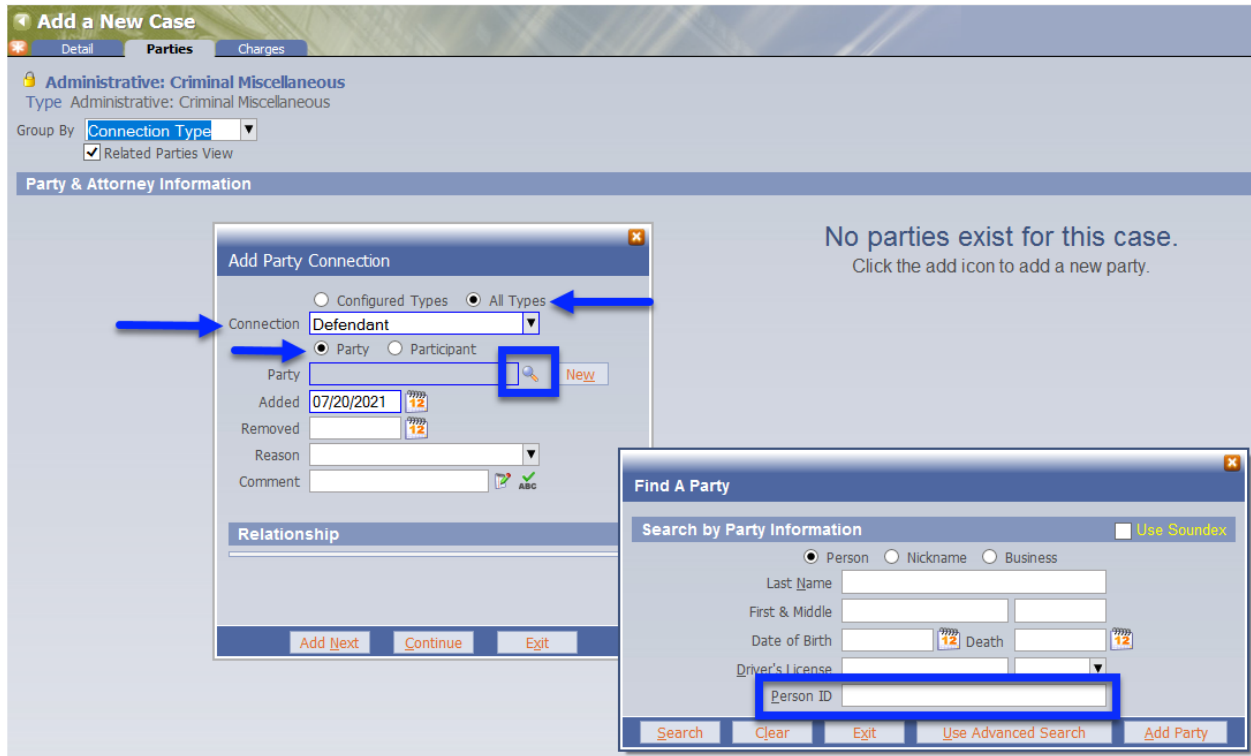
1. Click on **Add a Case Classic, Criminal**, then click on **Administrative: Criminal Miscellaneous**



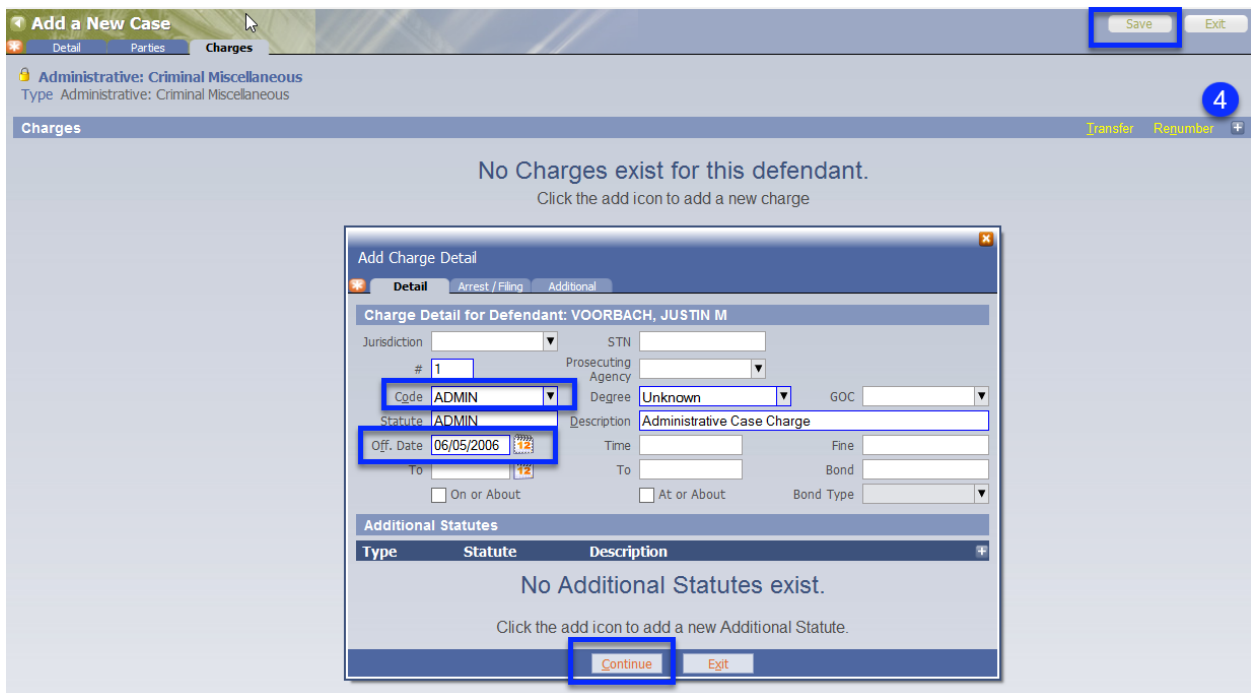
2. In the **Detail** tab, check the box next to 'Manual' and enter the case number in the following format: (EXAMPLE) M-38-FR-2006-00290



3. In the **Parties** tab, click on 'Add Party', select 'All Types' and 'Party', then choose 'Defendant' as the Connection. Enter the **same Person ID** as in the EX case. Continue



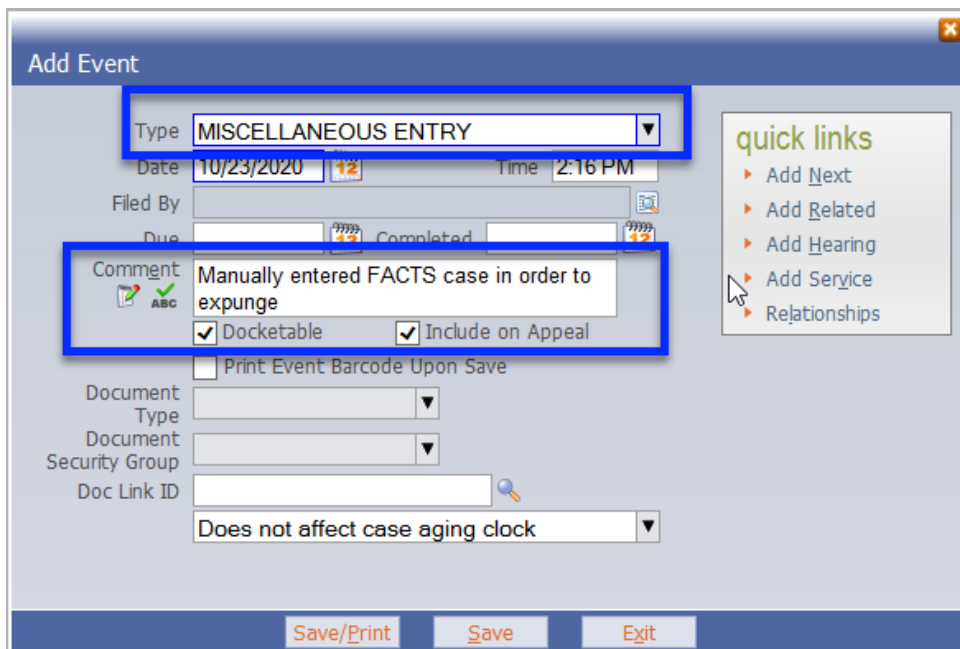
4. In the **Charges** tab, click on the '+' sign and type 'ADMIN' in the **Code** field. Enter the offense date as the date the case was opened in FACTS. Click 'Continue', then 'Save'



5. Click on 'Edit Case'



6. In the **Events** tab, enter '5752 MISC ENTRY' and enter comments 'Case manually entered from FACTS in order to expunge'. Then docket '9562 NTC: Order To Expunge Case Under Statute 29-3A-1. (Docketing this event code will automatically apply the case security code of Expunged Case Under Statute 29-3A-1 and case flag EXPUNGED Case Under Statute 29-3A-1). Scan or attach the Order to Expunge to the event.



7. In the **Details** tab, uncheck the 'Auto Style' box, delete 'Administrative: Criminal Miscellaneous' and type in 'State of New Mexico v (Defendant's name) \*\*EXPUNGED\*\*'.

M-38-FR-2006-00290

Summary **Detail** Parties Charges Events Service Hearings Conditions Notes Disposition Time Stds

State of New Mexico v Justin Voorbach \*\*EXPUNGED\*\*  
Type Administrative: Criminal Miscellaneous

Style State of New Mexico v Justin Voorbach \*\*EXPUNGED\*\*

7  Auto Style **Uncheck box**

**Case Assignment**

Case Number M-38-FR-2006-00290  
Court Otero County Magistrate Court in Alamogordo  
Date Assigned 10/23/2020  
Judicial Officer

**Hearing Officer Assignment**

**Case Cross Reference Numbers**

**Case Status**

10/23/2020 Inactive

**Related Cases**

8. Click on the + sign in the Related Cases field and add the District Court CV Expungement case. Use the reason 'Same Party.' Click Continue, then Save the case.

M-38-FR-2006-00290

Summary **Detail** Parties Charges Events Service Hearings Conditions Notes Appeals Atty Pmts Labels

State of New Mexico v Justin Voorbach \*\*EXPUNGED\*\*  
Type Administrative: Criminal Miscellaneous

Style State of New Mexico v Justin Voorbach \*\*EXPUNGED\*\*

Auto Style

**Case Assignment** Reassign

Case Number M-38-FR-2006-00290  
Court Otero County Magistrate Court in Alamogordo  
Date Assigned 10/23/2020  
Judicial Officer

**Hearing Officer Assignment**

**Case Cross Reference Numbers**

**Case Status**

10/23/2020 Inactive

**Related Cases**

**Add Related Case**

Case Number d1215ex202000006  
Reason Same Party  
Comment

Continue Exit

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<b>Case Status</b>		<b>Additional Barcodes</b>	
10/23/2020	Inactive		
<b>Related Cases</b>			
Case Number Comment Style	D-1215-EX-2020-00006 In the Matter of Petition for Expungement for JUSTIN VOORBACH	Court Reason Filed Status	Otero County Same Party 04/27/2020 Final Closed

This is what the case will look like if the **defendant's name** is searched:

VOORBACH, JUSTIN M	DOB 03/10/1982 SSN 525-45-7900 Person ID 4401341	DL NM-104548768 Party ID 5946544
<b>M-38-DR-2007-00161</b> DR	<b>STATE OF NEW MEXICO VS. VOORBACH</b> Careless driving (careless, inattentive or imprudent) Offense Date: 11/29/2007 Degree: M Filed On: 11/30/2007 Status: Final Closed	Court: Otero County Magistrz Connection: D Filed As: VOORBACH, JUSTIN M
<b>M-38-DR-2008-00068</b> DR	<b>STATE OF NEW MEXICO VS. VOORBACH</b> DRIVING UNDER INFLUENCE OF LIQUOR OR DRUGS (LIST) Offense Date: 05/18/2008 Degree: M POSSESSION OF MARIJUANA (1 OZ OR LESS) Offense Date: 05/18/2008 Degree: PM Use or possession of drug paraphernalia Offense Date: 05/18/2008 Degree: U	Judicial Officer: Galassini, Gene C. Court: Otero County Magistrz Connection: D Filed As: VOORBACH, JUSTIN M
<b>M-38-FR-2006-00290</b> CRM	<b>State of New Mexico v Justin Voorbach **EXPUNGED**</b> Administrative Case Charge Offense Date: 06/05/2006 Degree: U Filed On: 10/23/2020 Status: Inactive	Court: Otero County Magistrate Cou Connection: D Filed As: VOORBACH, JUSTIN M
<b>M-38-TR-2011-00827</b> TR	<b>STATE OF NEW MEXICO VS. VOORBACH</b> RENEWAL OF REGISTRATION Offense Date: 04/08/2011 Degree: U Filed On: 04/11/2011 Status: File Destroyed	Judicial Officer: Newton, James Scott Court: Otero County Magistrz Connection: D Filed As: VOORBACH, JUSTIN M
<b>M-38-TR-2019-02317</b> TR	<b>State of New Mexico v. JUSTIN M VOORBACH</b> Speeding (Over by 16 - 20) Offense Date: 09/23/2019 Degree: PM	

This is what the case will look like if the **case number** is searched:

NOTE\*\* When inquiries concerning the expunged cases are made at the clerks' office window, (or by phone or by mail), and the case has the security code of 'Expunged Case Under Statute 29-3A-1,' answer as if the case does not exist. The exception to this is if the inquiry comes from law enforcement or the defendant/petitioner.