

Administrative Office of the Courts

Supreme Court of New Mexico

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Judicial Information Division (JID)

District Court: Manual Reporting of Suspensions and Clearances to MVD Standard Operating Procedure Version 1.0

Approved by OJUG on 8/19/2021

Manual Reporting of Suspensions and Clearances to MVD

COURT / DEPARTMENT / DIVISION

District Courts

USER

This procedure is to be used by District Court staff.

PURPOSE

This procedure is to be used by District Court staff for the manual reporting of suspensions and clearances to MVD, according to NMSA 66-8-135(B), 66-5-25(B) and NMSA 66-5-30.

INTRODUCTION

Why do the courts need to report license suspensions and clearances to MVD?

According to NMSA 66-8-135(B), 'The court shall notify the department if a defendant fails to appear on a charge of violating the Motor Vehicle Code or other law or ordinance relating to motor vehicles.' Paragraph G states, 'The willful failure or refusal of any judicial officer to comply with this section is misconduct in office and grounds for removal.'

and

According to NMSA 66-5-25(B), 'The division is further authorized, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, or of notice of failure to appear or upon determination by the division of failure to pay a penalty assessment, to forward the record to the motor vehicle administrator in the state wherein the person so convicted is a resident.'

NMSA 66-5-30(B) goes on to explain that, 'The division may issue an administrative suspension of the instruction permit, driver's license or provisional license of a driver without preliminary hearing upon a showing by its records or other sufficient evidence, including information provided to the state pursuant to an intergovernmental agreement authorized by Section [66-5-27.1](#) NMSA 1978, that the licensee has failed to:

- (1) fulfill a signed promise to appear or notice to appear in court as evidenced by notice from a state court or tribal court, whenever appearance is required by law or by the court as a consequence of a charge or conviction under the Motor Vehicle Code or pursuant to the laws of the tribe;

MANUAL REPORTING OF SUSPENSIONS AND CLEARANCES

Regardless of whether or not a citation(s) exists on the charge(s), every failure to appear in court for a case that contains a Motor Vehicle Code violation, or other law or ordinance relating to motor vehicles, must be reported to MVD. If a citation(s) exists for the charge(s), all information must be added to the charge(s). To add the citation(s) to the charge(s) see **Unlinking and Linking Citations to Charges – District Court SOP**.

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:

RELEVANT DATA STANDARDS

General	Case Specific
1.7.0 Forms	2.4.0 Adult Criminal Standards – Charges
1.14.0 Reports	2.5.0 Adult Criminal Standards – Pleadings
1.15.0 Scanning	2.6.0 Adult Criminal Standards – Case Management

NAVIGATION

This procedure begins in Odyssey Case Manager.

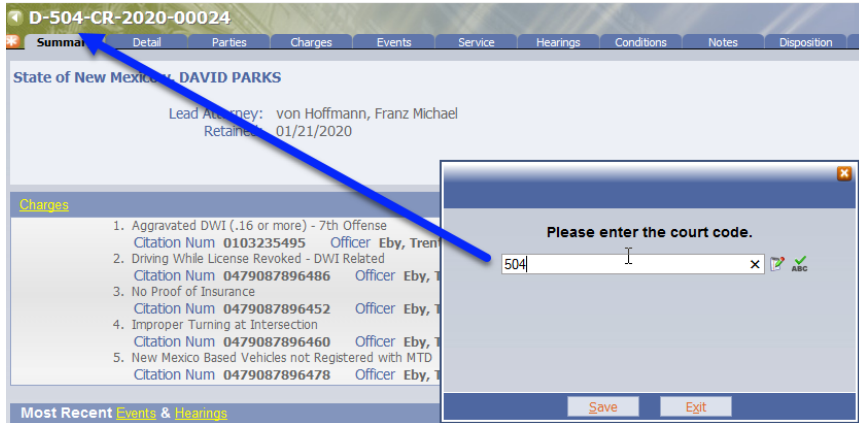
How a Suspension is Manually Reported

Upon the party's failure to appear in court, as explained above in NMSA 66-5-30(B)(1), the following steps must immediately be followed:

STEPS

In Case Manager, in the correct case:

- Click on the **"Forms"** button
- Enter 'MVD' in the name search field and select **'M-CR-ADMIN-MVD/NOTICE OF FAILURE TO APPEAR IN COURT'** or if the defendant has an out of state license, enter 'NRVC' and select **NRVC-M-CR-ADMIN MVD/NOTICE OF FAILURE TO APPEAR IN COURT**
- A prompt will appear and require the clerk to enter the court code.



- Print the form, sign and date.

b1

**FILED IN
CHAVES COUNTY
September 08, 2021
MAGISTRATE
COURT
IN ROSWELL**

STATE OF NEW MEXICO
NOTICE OF FAILURE TO APPEAR IN COURT
REPORTING AGENCY INFORMATION

COURT NAME: Chaves County
COURT ADDRESS: P.O. Box 1776 Roswell NM 88202-1776

COURT CODE: 504

CITATION INFORMATION	
Citation Number(s):	Violation Date:
0103235495	01/09/2020
0479087896486	01/09/2020
0479087896452	01/09/2020
0479087896460	01/09/2020
0479087896478	01/09/2020

SUSPENSION

VIOLATOR'S INFORMATION					
Name: DAVID M PARKS			NM Driver's License No: NM-082910841		
Street Address: 2209 Walker RD Roswell, NM 88201					
DOB	SSN#	Vio.Code	NM Stat. NO	Court Date	Report/Action Begin Date
11/28/1961	585-17-3673	XC4	66-5-30	on this the 3rd day of February, 2020	9/8/2021

OFFICIAL USE ONLY

Signature of Authorized Court Representative

Date

Original to MVD
Copy in Court File

D-504-CR-2020-00024

Court Information:
Chaves County P.O. Box 1776

M-CR-ADMIN MOTOR VEHICLE DEPARTMENT/NOTICE OF FAILURE TO APPEAR IN COURT

Roswell NM 88202-1776 phone 575-622-2212 (fax) 575-624-9510 web site: www.nmcourts.gov

The original form should be mailed to the MVD - Driver Services Bureau, P.O. Box 1028, Santa Fe, NM 87504-1028 - and a copy scanned to event code.

- Navigate to the **'Events'** tab
- Enter **'5746 MVD Notice of Failure to Appear in Court'**
- Enter comments **'Manually submitted to MVD'** and scan document to the event
- Upon entering the event, the case flag **'MVD Suspension'** will auto populate.

Modify Event

Type: **MVD NTC of Failure to Appear in Court**

Date: **10/09/2020** Time: **1:52 PM**

Due: [Calendar Icon] **12** Completed: [Calendar Icon] **12**

Comment: **Manually submitted to MVD**

Docketable Include on Appeal

Print Event Barcode Upon Save

Document Type: [Dropdown]

Document Security Group: [Dropdown]

Doc Link ID: [Search Icon]

Does not affect case aging clock [Dropdown]

quick links

- ▶ Add Next
- ▶ Add Related
- ▶ Add Hearing
- ▶ Add Service
- ▶ Relationships

Buttons: **Save/Print** **Save** **Exit**

D-504-CR-2020-00024

Summary | Detail | Parties | Charges | Events | Service | Hearings | Time Sks | Financial | Prot. Orders | Warrants | Bonds | Exhibits | Documents | Appeals | Atty Fees | Tasks

Hearing Officer: [Name] Financial Balance: 240.00

Charges	Dispositions
1. Aggravated DWI (-16 or more) - 7th Offense Citation Num 0103235495 Officer Eby, Trent, Ofc. NMSP (F3) 01/09/2020	Deposition Conviction - Plea
2. Driving While License Revoked - DWI Related Citation Num 0479087896486 Officer Eby, Trent, Ofc. NMSP (M) 01/09/2020	Disposition Dismissed by Prosecutor Per Plea Agreement
3. No Proof of Insurance Citation Num 0479087896452 Officer Eby, Trent, Ofc. NMSP (PM) 01/09/2020	Disposition Dismissed by Prosecutor Per Plea Agreement
4. Improper Turning at Intersection Citation Num 0479087896460 Officer Eby, Trent, Ofc. NMSP (PM) 01/09/2020	Disposition Dismissed by Prosecutor Per Plea Agreement
5. New Mexico Based Vehicles not Registered with MTD Citation Num 0479087896478 Officer Eby, Trent, Ofc. NMSP (PM) 01/09/2020	Disposition Dismissed by Prosecutor Per Plea Agreement

Most Recent Events & Hearings

- 09/08/2021 MVD NTC of Failure to Appear in Court
- 07/10/2020 CLS: JUDGMENT/ SENTENCE/ COMMITMENT (Judicial Officer: Hudson, James M.)
- 07/09/2020 Hearing Audio Log
- 07/09/2020 PLEA & DISPOSITION AGREEMENT
- 07/09/2020 Sentenced (Judicial Officer: Hudson, James M.)
- 07/09/2020 Disposition (Judicial Officer: Hudson, James M.)
- 07/09/2020 Plea (Judicial Officer: Hudson, James M.)
- 07/09/2020 CHANGE OF PLEA HEARING (Judicial Officer: Hudson, James M.)
- 06/18/2020 SUPPLEMENTAL INFORMATION

Case Docket

- statistical closure 07/10/2020 Judgment / Sentence / Commitment
- defendant demographics: White Male, 5'10" 175 lbs, Eyes Blue
- time standards: Criminal Information to Arraignment, 6th Month Rule (District Courts)
- case file: James M. Hudson
- flags & actions due: **MVD Suspension**
- related cases: D-504-CR-2011-00218, D-504-CR-2013-00024

MVD Suspension - Driver's License Suspension Sent To MVD By Court

How a Clearance is Manually Reported

Once the Failure to Appear has been properly addressed by the court, the following steps must immediately be followed:

STEPS

In Case Manager, in the correct case:

- Click on the “Forms” button
- Enter ‘MVD’ in the name search field and select ‘M-CR-ADMIN-MVD/NOTICE OF COMPLIANCE FOR FAILURE TO APPEAR IN COURT’ or if the defendant has an out of state license, enter ‘NRVC’ and select NRVC-M-CR-ADMIN MVD/NOTICE OF COMPLIANCE FOR FAILURE TO APPEAR IN COURT
- A prompt will appear and require the clerk to enter the court code. (As seen above)
- Print the form, sign and date.

State of New Mexico
NOTICE OF COMPLIANCE FOR FAILURE TO APPEAR IN COURT
REPORTING AGENCY INFORMATION

COURT NAME: Chaves County

COURT CODE: 504

COURT ADDRESS: P.O. Box 1776 Roswell NM 88202-1776

CITATION INFORMATION		
Citation Number(s):	Charge Descriptions:	Violation Date:
0103235495	Aggravated DWI (.16 or more) - 7th Offense	01/09/2020
0479087896486	Driving While License Revoked - DWI Related	01/09/2020
0479087896452	No Proof of Insurance	01/09/2020
0479087896460	Improper Turning at Intersection	01/09/2020
0479087896478	New Mexico Based Vehicles not Registered with MTD	01/09/2020

CLEARANCE

VIOLATOR'S INFORMATION					
DAVID M PARKS			NM-082910841		
Street Address: 2209 Walker RD Roswell, NM 88201					
DOB	SS#	Vio. Code	NM Stat. NO	Court Date	Report/Action Begin Date
11/28/1961	585-17-3673	XC4	66-5-30	02/03/2020	10/9/2020

OFFICIAL USE ONLY

This clearance is to notify Motor Vehicle Division that the person listed as violator has complied with the provisions of section 66-8-126; NMSA 1978.

Signature of Authorized Court Representative

Date

Original to MVD
Copy in Court File
Copy to Defendant

The original form should be mailed to the MVD - Driver Services Bureau, P.O. Box 1028, Santa Fe, NM 87504-1028 - and a copy scanned to event code.

- Navigate to the 'Events' tab
- Enter '5738 MVD NTC of Compliance for Failure To Appear in Court'
- Enter comments 'Manually submitted to MVD' and scan document to the event
- Upon entering the event, the case flag will be removed automatically.

The screenshot shows a web-based form titled "Add Event". The form contains the following fields and options:

- Type:** A dropdown menu with the selected value "MVD NTC of Compliance for Failure to App".
- Date:** A date picker set to "10/09/2020".
- Time:** A time picker set to "2:28 PM".
- Due:** A date picker.
- Completed:** A date picker.
- Comment:** A text area containing "Manually submitted to MVD".
- Checkboxes:** "Docketable" (checked), "Include on Appeal" (checked), and "Print Event Barcode Upon Save" (unchecked).
- Document Type:** A dropdown menu.
- Document Security Group:** A dropdown menu.
- Doc Link ID:** A text input field with a search icon.
- Case Aging:** A dropdown menu with the selected value "Does not affect case aging clock".

On the right side, there is a "quick links" sidebar with the following options:

- ▶ Add Next
- ▶ Add Related
- ▶ Add Hearing
- ▶ Add Service
- ▶ Relationships

At the bottom of the form, there are three buttons: "Save/Print", "Save", and "Exit".

Reports

If a Failure to Appear Warrant was issued, the **Warrant Activity and Outstanding Warrants Report** can be utilized to ensure that suspensions and clearances are properly issued. This report shows detailed information about warrants with a particular status(es) within a specified date range or a list of all currently outstanding warrants.

This report does not save in List Manager, but can and should be run on a daily basis so that suspensions and clearances are processed timely.

NOTEThe judge may record a failure to appear but not order that a warrant be issued. In these situations, the judge must instruct court staff to manually report the failure to appear suspension to MVD.**

NAVIGATION

Reports > Warrants > Warrant Activity and Outstanding Warrants

Locations:	Enter court
Report Type:	Activity
Date Range:	Issue Date
Start Date:	Y
End Date:	T
Status:	Failure to Appear in Court Warrant Issued
Check the box:	'Is Current Status'

Sort Order: (clerk preference)
Warrant Type: Failure to Appear in Court Warrant
Offense Code: Type '66-' into the Statute field, Select All
Type '65-' into the Statute field, Select All
Type '30-16D' into the Statute field, Select All
Type '30-3-8(B)' into the Statute field, Select All

The screenshot shows the 'Select Codes' window with the 'Statute' field set to '66-'. The table below lists search results:

Code	Description	Statute	Degree
1. <input type="checkbox"/> 5122	Aggravated Driving While Under the Influence	66-8-102(D)(1)	PM
2. <input type="checkbox"/> 5125	Aggravated Driving While Under the Influence	66-8-102(D)(1)	F4
3. <input type="checkbox"/> 7097	Aggravated DWI (.16 or more) - 7th Offense	66-8-102(D)(1)	F3
4. <input type="checkbox"/> 7229	Aggravated DWI (.16) - 1st Offense Repealed: 06/19/1997	66-8-102(D)(1) & (E)	PM
5. <input type="checkbox"/> 7000	Aggravated DWI (Blood Impair) - 7th Offense	66-8-102(D)(2)	F3

The screenshot shows the 'Select Codes' window with the 'Statute' field set to '65-'. The table below lists search results:

Code	Description	Statute	Degree
1. <input type="checkbox"/> 4293	CMV - Unsafe Loading	65-3-8.392.9	PM
2. <input type="checkbox"/> 5466	CMV Equipment Violation - Any Welded Repa	65-3-9.393.70(c)	PM
3. <input type="checkbox"/> 5412	CMV Equipment Violation - Required Cover o	65-3-9.393.30	PM
4. <input type="checkbox"/> 5506	CMV Equipment Violation - Adjustable Axle L	65-3-9.393.207(b)	PM
5. <input type="checkbox"/> 5482	CMV Equipment Violation - Air or Electric Hon	65-3-9.393.81	PM

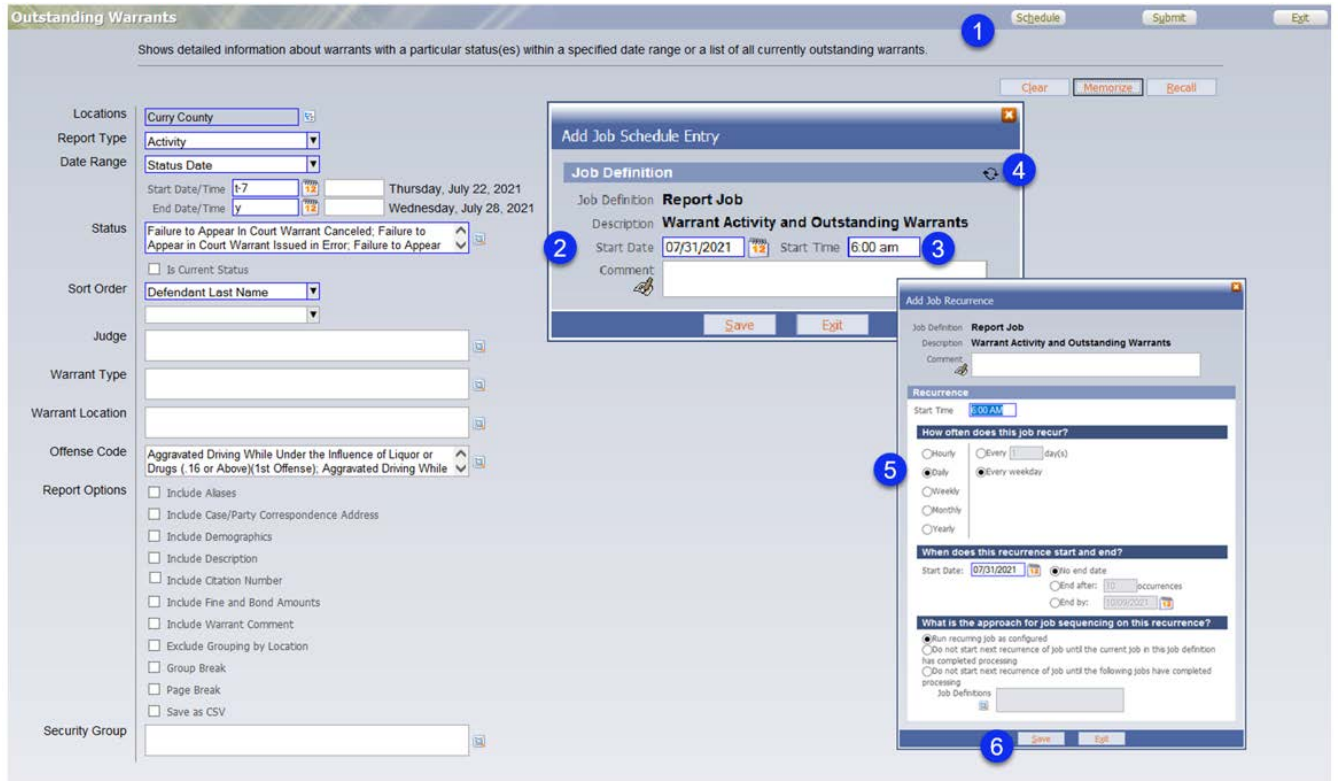
The screenshot shows the 'Select Codes' window with the 'Statute' field set to '30-16D'. The table below lists search results:

Code	Description	Statute	Degree
1. <input type="checkbox"/> 5187	Altering or Changing Engine or Other Numbe	30-16D-6 & 31-18-15	F4
2. <input type="checkbox"/> 5157	Attempt to Commit a Felony, to wit: Frauduler	30-16D-3(A) & 30-28-1F	F3
3. <input type="checkbox"/> 5167	Attempt to Commit a Felony, to wit: Receiving	30-16D-4(A) & (B)(1) & M	F3

The screenshot shows the 'Select Codes' window with the 'Statute' field set to '30-3-8(B)'. The table below lists search results:

Code	Description	Statute	Degree
1. <input type="checkbox"/> 3850	Attempt to Commit a Felony, to wit: Shooting	30-28-1 & 30-3-8(B)	F3
2. <input type="checkbox"/> 3864	Criminal Solicitation to Commit Shooting at/frc	30-28-3 & 30-3-8(B)	F4
3. <input type="checkbox"/> 3861	Criminal Solicitation to Commit Shooting at/frc	30-28-3 & 30-3-8(B)	F4

1. Click on 'Schedule'
2. Enter Start Date: this will be the day you would like the report to start running
3. Enter Start Time: this will be the time you would like the report to run everyday
4. Click on 'Recurrence' Icon
5. Click on 'Daily' and 'Every weekday'
6. Save



The report will run at 6:00 am (or at a specified time chosen) every weekday morning and will show all of the FTA warrants that were issued the day prior.

The report should also be used to track cases that need clearances issued. The Status field in the report should contain only the following:

- Failure to Appear in Court Warrant Served
- Failure to Appear in Court Warrant Returned Unserved
- Failure to Appear in Court Warrant Canceled
- Failure to Appear in Court Warrant Issued in Error
- Failure to Appear in Court Warrant Served on Booking Ntc
- Failure to Appear in Court Warrant Surrender

NOTE*** To clear a suspension where a warrant was not issued, the judge must communicate with the court staff to manually report the clearance.