

The Magistrate Court In New Mexico

Magistrate Courts: There are 41 magistrate courts, 8 circuit (satellite) courts and 66 magistrate judges in the New Mexico state judicial system. These are courts of limited jurisdiction. They may hold jury trials. Magistrate courts will hear the following case types: traffic violations including DWI/DUI; misdemeanors; civil issues from \$0-\$10,000; felony preliminary hearings; and county and city ordinance violations.

The State Magistrate Court System

The magistrate court system was adopted by a state constitutional amendment in 1966 following an eight year study of the court system.¹ The magistrate court system replaced the justice of the peace courts.

Magistrate judges are elected officials who serve a four-year term.² They operate under the direction and control of the New Mexico Supreme Court, with the Administrative Office of the Courts providing administrative support.³

The magistrate court is a full-time court of limited jurisdiction and has jurisdiction over matters only as provided by law.⁴

Magistrate courts are not courts of record, which means the court is not required to keep a record of trial proceedings (i.e., a recorded transcript of the trial).⁵

Parties aggrieved by any judgement of the magistrate court may appeal to district court within fifteen days after the judgement is rendered to request a trial *de novo* (new trial).⁶

Case Types Heard in Magistrate Court

Traffic Offense: a violation of the New Mexico Motor Vehicle Code article 66.

Petty Misdemeanor: an offense which carries a possible fine up to \$500 and/or up to six months imprisonment.

¹ Art. 6, Sec. 26 NM Const. & 35-1-38 NMSA 1978 Comp.

² 35-1-3 NMSA 1978 Comp.

³ 35-7-1 NMSA 1978 Comp.

⁴ Art. 6, Sec. 26 NM Const.

⁵ 35-1-1 NMSA 1978 Comp.

⁶ 35-13-1 NMSA 1978 Comp.

Misdemeanor: an offense which carries a possible fine up to \$1,000 and/or up to 364 days imprisonment.

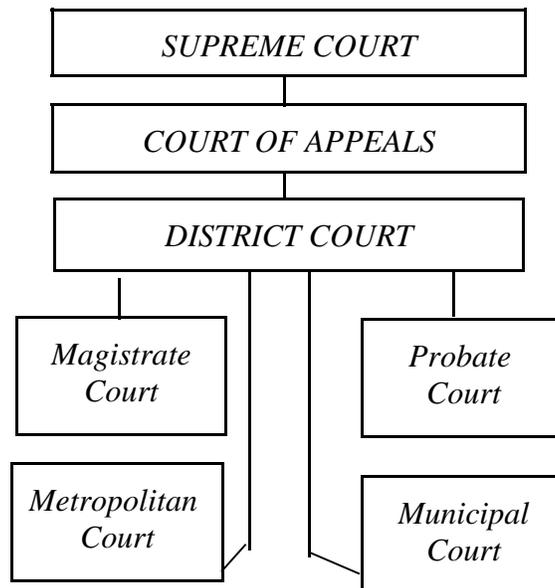
Civil Action: cases in which one party brings suit against another in which damages sought do not exceed \$10,000. Action of this nature generally arise from contract, quasi-contract, tort, or landlord tenant issues.

Felony: a crime which carries a possible fine in excess of \$1,000 and/or jail time in excess of 364 days. Magistrate court has the authority to hold preliminary examinations to determine probable cause on felony charges; however, it does not have authority to adjudicate (decide) felony cases. Felony cases originate in magistrate court or by grand jury indictment from district court.

County and City Ordinances: any violation of adopted County or City Ordinances that a local jurisdiction agrees should be enforced by the magistrate court.

The court also has the authority to issue search warrants⁷ and bench warrants.⁸

Appeal Process



Supreme Court: The Supreme Court consists of five Justices and is located in Santa Fe. This is the court of last resort in New Mexico and it has superintending control over all inferior courts and attorneys licensed in the state. This court has

⁷ Rule 6-208 SCRA 2003

⁸ Rule 6-204 SCRA 2003

mandatory appellate jurisdiction over criminal matters in which the sentence imposed is life in prison or the death penalty, appeals from the Public Regulation Commission, appeals from the granting of writs of habeas corpus, appeals in actions challenging nominations, and removal of public officials.

This court also has discretionary jurisdiction over petitions for writ of habeas corpus, petitions for writ of certiorari from the Court of Appeals, other extraordinary writ matters, and certified questions either from the Court of Appeals or federal courts.

Court of Appeals: Ten judges preside, sitting in panels of three. The court has offices in Santa Fe and Albuquerque. This court has mandatory jurisdiction in civil matters, non-capital criminal cases, juvenile cases and any cases assigned to it by the Supreme Court. This court also has discretionary jurisdiction in interlocutory and administrative agency appeals.

District Court: There are 13 different district and 90 district judges. These are courts of general jurisdiction which hold jury trials. This court will hear the following types of cases: tort, contract, real property rights, estate, exclusive domestic relations, mental health, appeals from administrative agencies and lower courts, miscellaneous civil jurisdiction, misdemeanors, exclusive tribal felonies, and criminal appeals. In addition, except for traffic citations with no possibility of jail, the court has exclusive juvenile jurisdiction.

Bernalillo County Metropolitan Court: This is a court of limited jurisdiction over which 19 judges preside. This court may hold jury trials. This court will hear the following types of cases: tort, contract, real property rights (\$0-\$10,000), misdemeanors, DWI/DUI, and other traffic violations. The court also holds preliminary hearings for felony charges.

Municipal Court: There are 81 municipal courts and 83 municipal judges. These are courts of limited jurisdiction that do not hold jury trials. This court will hear the following types of cases: petty misdemeanors, DWI/DUI, traffic violations, and other municipal ordinance violations.

Probate Court: There is one probate court and judge in each of the 33 counties. These are part-time courts of limited jurisdiction. This court will hear uncontested informal probate and estate matters.