

ARREST WARRANT AND BENCH WARRANT SURRENDER PROTOCOL

Effective April 27, 2022, the Santa Fe County Magistrate Court is hereby modifying the protocol for the surrender of any defendant with an outstanding Arrest Warrant or Bench Warrant issued by the Santa Fe County Magistrate Court. The modified protocol is as follows:

The following case types are affected by this protocol: Felony (FR), Felony DWI (IR), Felony Domestic Violence (VF), Misdemeanor DWI (DR), and Misdemeanor Domestic Violence (VM). In addition, this protocol will apply to any MR case in which the District Attorney has filed an entry of appearance or the defendant has acquired counsel (hereinafter, "Designated MR Cases"). Post-adjudication (*i.e.*, Probation Violation) warrants for these case types also fall within this protocol. Because surrender events generally are not predictable, it will not be possible to docket any case prior to the defendant calling in to surrender.

The protocol for defendant's surrender with an outstanding Arrest Warrant or Bench Warrant is as follows:

- For Misdemeanor DWI (DR), Misdemeanor Domestic Violence (VM) and Designated MR Cases case types, the court will utilize the Walk-In Docket between 8:00 a.m. and 9:00 a.m., Monday through Friday (excluding State holidays), to address defendants who wish to surrender to the court for an arrest or bench warrant.
- For Felony (FR), Felony DWI (IR) and Felony Domestic Violence (VF) case types, the court will utilize the Felony First Appearance Docket (a.k.a., the Video Arraignment Docket) between 1:30 p.m. and 2:00 p.m., Monday through Friday (excluding State holidays), to address defendants who wish to surrender to the court for an arrest or bench warrant.
- The First Judicial District Attorney's Office will make an Assistant District Attorney available via Google Meet during both the daily Walk-In Docket and the Felony First Appearance Docket to ensure that the State has an opportunity to take a position on the matter.
- The Law Office of the Public Defender (LOPD) will make a staff attorney available via Google Meet during both the daily Walk-In Docket and the Felony First Appearance Docket to ensure that LOPD, as counsel to defendant, has an opportunity to take a position on the matter.
- Defendants wishing to surrender for any Arrest Warrant or Bench Warrant in the above-stated case types will be directed to the appropriate daily Walk-In Docket or Felony First Appearance Docket via Google Meet depending upon the type of case at issue.
- The court will call the case and afford an opportunity for the Assistant District Attorney assigned to the docket to be heard. The attorney from LOPD, or private defense counsel, will then be heard.
- The court will then rule on the surrender and conduct an appropriate hearing (*e.g.*, First Appearance, Arraignment, Violation of Conditions of Release, and Probation Initial Appearance, as applicable) to address conditions of release, docket settings, and any other related matter.

- If an Assistant District Attorney fails to appear, the court will note the absence of the State's representative and continue with the hearing. However, the court will provide fifteen (15) minutes for a representative of the State to appear before proceeding.
- If the defendant appears without defense counsel previously noted as entered on the case, the court will provide the defendant an opportunity to contact his or her attorney in order to proceed with the hearing. The court may also require the representative from LOPD to stand in for the defendant for the limited purpose of the hearing to address the outstanding arrest or bench warrant.
- MR case types involving officer prosecution where no defense attorney has filed an entry of appearance will not be required to adhere to this protocol.
- Failure to Pay Bench Warrants will not be required to adhere to this protocol.