

355 – Public Defender Department File Plan

This file plan was developed to be a guide for Public Defender Department employees. This guidance document was created to ensure consistent records classification and to provide agencies with other relevant record information. The final disposition authority resides in the Functional Records Retention and Disposition Schedule (FRRDS), 1.21.2 NMAC.

This file plan only list records series of program's specific to the Public Defender Department. For records series of a general administrative nature, refer to the General Administrative Records File Plan. For records of a financial nature, refer to the General Financial Records File Plan. For records of a personnel or medical nature, refer to the General Personnel/Medical Records File Plan.

355-101 ADULT CRIMINAL CASE FILES:

Division/unit: Public defender

Maintenance system: Chronological by year and month, then numerical by case number

Record series content: Records concerning the defense of adult clients prosecuted on criminal charges. File may contain criminal case report, judgment and sentence, motions, police report, application for public defender court clinic services, client interviews, attorney notes, etc.

Classification: 1.21.2.639 NMAC, Public Defender and District Attorney Case Files - Adult

File closure: Date case closed

[New - 03/31/2021]

355-102 APPELLATE CASE FILES:

Division/unit: Public defender

Maintenance system: Chronological by year and month, then numerical by case number

Record series content: Cases appealed by defendants charged with a crime. Files may include attorney work product, correspondence, and other privileged material, etc.

Classification:

(A) **Capital crime cases files:** 1.21.2.640 NMAC, Public Defender and District Attorney Case Files - Capital Offenses

(B) **Juvenile cases files:** 1.21.2.641 NMAC, Public Defender and District Attorney Case Files - Juvenile

(C) **All other cases files:** 1.21.2.639 NMAC, Public Defender and District Attorney Case Files - Adult

File closure: Date case closed

Confidentiality: Portions of this file may be confidential or exempted from disclosure under the Inspection of Public Records Act, Section 14-2-1, or pursuant to other law."

[New - 03/31/2021]

355-103 JUVENILE CASE FILES:

Division/unit: Public defender

Maintenance system: Chronological by year and month, then numerical by case number

Record series content: Records concerning the defense of juvenile client prosecuted on criminal charges. Files may contain time waiver, district court consent, and children's court predisposition report, notice of hearing, petitions, motions, psychiatric evaluation, and attorney notes, etc.

Classification: 1.21.2.641 NMAC, Public Defender and District Attorney Case Files - Juvenile

File closure: Date case closed

Confidentiality: Portions of this file may be confidential or exempted from disclosure under the Inspection of Public Records Act, Section 14-2-1, or pursuant to other law."

[New - 03/31/2021]

355-104 CAPITAL CRIMES CASE FILES:

Division/unit: Public defender

Maintenance system: Chronological by year and month, then numerical by case number

Record series content: Records concerning the defense of clients prosecuted for first degree capital murder. Files may include discovery, interview transcripts, grand jury transcripts, attorney note, petitions, medical records, school records, employment records, etc.

Classification: 1.21.2.640 NMAC, Public Defender and District Attorney Case Files - Capital Offenses

File closure: Date case closed

Confidentiality: Portions of this file may be confidential or exempted from disclosure under the Inspection of Public Records Act, Section 14-2-1, or pursuant to other law."

[New - 03/31/2021]

355-105 HABEAS CORPUS CASE FILES:

Division/unit: Public defender

Maintenance system: Chronological by year and month, then numerical by case number

Record series content: Records concerning the petitioning of an inmate's contested conviction or conditions of confinement. Files may include inmate petition, order of appointment, entry of appearance, good time sheet, case log, final order, etc.

Classification: 1.21.2.639 NMAC, Public Defender and District Attorney Case Files - Adult

File closure: Date case closed

Confidentiality: Portions of this file may contain confidential information pursuant, but not limited to Section 14-2-1 NMSA 1978 (i.e., attorney-client privileged information).

[New - 03/31/2021]

355-106 CASE DEFENDANT MANAGEMENT SYSTEM:

Division/unit: Public defender

Maintenance system: Numerical by primary key

C. Description: system maintains and tracks client information and case status of defendants. Data may include social security number, address, date of birth, attorney assigned to case, case status, case events, co-defendants, conflicts, etc.

Classification:

(A) Capital crime cases files: 1.21.2.640 NMAC, Public Defender and District Attorney Case Files - Capital Offenses

(B) Juvenile cases files: 1.21.2.641 NMAC, Public Defender and District Attorney Case Files - Juvenile

(C) All other cases files: 1.21.2.639 NMAC, Public Defender and District Attorney Case Files - Adult

File closure: Date case closed

Confidentiality: Portions of this record may be confidential pursuant but not limited to 5 USC, Section 552a (i.e., social security number), Section 29-10-4 NMSA 1978 (i.e., arrest records) and Section 14-2-1 NMSA 1978 (i.e., "law enforcement records that reveal confidential sources, methods, information or individuals accused but not charged with a crime").

[New - 03/31/2021]