

[WITHDRAWN]

1 ~~[5-830. Statement of appellate issues; appeals on the record.~~

2 ~~———— A. ——— Statement of appellate issues. In an appeal on the record, a statement of appellate~~  
3 ~~issues shall be filed with the district court as follows:~~

4 ~~———— (1) ——— the appellant's statement shall be filed and served within thirty (30) days~~  
5 ~~from the date of service of the notice of filing of the record on appeal in the district court; and~~

6 ~~———— (2) ——— the appellee's response shall be filed and served within thirty (30) days after~~  
7 ~~service of the appellant's statement of issues.~~

8 ~~———— B. ——— Appellant's statement of appellate issues. The appellant's statement of appellate~~  
9 ~~issues, under appropriate headings and in the order here indicated, shall contain:~~

10 ~~———— (1) ——— a statement of the issues;~~

11 ~~———— (2) ——— a summary of the proceedings which shall indicate briefly the nature of the~~  
12 ~~case, the course of proceedings, and the disposition of the metropolitan court. The summary shall~~  
13 ~~include a short recitation of all facts relevant to the issues presented for review, with appropriate~~  
14 ~~references to the record on appeal showing how the issues were preserved in the proceedings~~  
15 ~~before the metropolitan court;~~

16 ~~———— (3) ——— an argument which shall contain the contentions of the appellant with~~  
17 ~~respect to each issue presented in the statement of issues, with citations to the authorities, statutes~~  
18 ~~and parts of the record on appeal relied on. New Mexico decisions, if any, shall be cited; and~~

19 ~~———— (4) ——— a statement of the precise relief sought.~~

20 ~~———— C. ——— Appellee's statement of appellate issues; response. The appellee's response shall~~  
21 ~~conform to the requirements of Subparagraphs (1) to (4) of Paragraph B of this rule, except that a~~  
22 ~~statement of the issues or a summary of proceedings shall not be made unless the appellant's~~  
23 ~~statement of issues or summary of the proceedings is disputed or is incomplete.~~

[WITHDRAWN]

1 ~~—— D. **References in statement of appellate issues.** References in the statement of~~  
2 ~~appellate issues shall be to the pages of the record on appeal or, if the reference is to an audio~~  
3 ~~recording, the approximate counter numbers of the tape or approximate time on the compact disk~~  
4 ~~as shown on the corresponding index log. If reference is made to evidence the admissibility of~~  
5 ~~which is in controversy, reference shall be to the place in the record on appeal at which the evidence~~  
6 ~~was identified, offered, and received or rejected.~~

7 ~~—— E. **Length of statements of appellate issues.** Except by permission of the court, the~~  
8 ~~argument portion of the appellant's statement of appellate issues shall not exceed eight (8) pages.~~  
9 ~~Except by permission of the court, the argument portion of appellee's response shall not exceed~~  
10 ~~eight (8) pages.~~

11 ~~—— F. **Briefs.** Briefs may be filed only by leave of the district court and upon such~~  
12 ~~conditions as the court may direct.~~

13 ~~—— G. **Oral argument.** Upon motion of a party or on the court's own motion, the court~~  
14 ~~may allow oral argument.]~~

15 [Adopted by Supreme Court Order No. 12-8300-018, effective for all cases pending or filed on or  
16 after August 3, 2012; withdrawn by Supreme Court Order No. 19-8300-004, effective June 14,  
17 2019.]