

1                   **IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

2   **January 14, 2022**

3                   **NO. 22-8500-003**

4                   **IN THE MATTER OF THE AMENDMENT**  
5                   **OF NEW MEXICO JUDICIARY PUBLIC**  
6                   **HEALTH EMERGENCY PROTOCOL NO. 1 TO**  
7                   **REVISE THE MASKING AND TEST REPORTING**  
8                   **REQUIREMENTS AND NO. 3 TO**  
9                   **STREAMLINE THE PROCESSING OF CRIMINAL**  
10                   **CASES IN THE DISTRICT COURTS DURING**  
11                   **THE COVID-19 PUBLIC HEALTH EMERGENCY**

12   **ORDER**

13                   WHEREAS, this matter having come before the Court upon recommendation  
14                   to amend the New Mexico Judiciary’s Emergency Court Protocol No. 1 to prohibit  
15                   the use of two cloth masks as a double mask, and to revise the positive test reporting  
16                   requirements, and to amend the New Mexico Judiciary’s Emergency Court Protocol  
17                   No. 3 to reinstate the suspension of the exercise of peremptory excusals for criminal  
18                   cases in the district courts for a period of one year, and to permit a party to a criminal  
19                   case in the district court to petition the Chief Justice to effect the excusal of a  
20                   presiding judge for cause, Chief Justice Michael E. Vigil, Justice C. Shannon Bacon,  
21                   Justice David K. Thomson, Justice Julie J. Vargas, and Justice Briana H. Zamora  
22                   concurring;

23                   NOW, THEREFORE, IT IS ORDERED that the recommendation is  
24                   ADOPTED and the amendment of Emergency Court Protocol No. 1 and Emergency  
25                   Court Protocol No. 3 is APPROVED, **effective January 18, 2022.**

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IT IS SO ORDERED.



WITNESS, the Honorable Michael E. Vigil, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 14th day of January, 2022.

  
Jennifer L. Scott, Chief Clerk of the Supreme Court  
of the State of New Mexico

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