

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

2   **July 29, 2022**

3  
4 **NO. 22-8500-031**

5 **IN THE MATTER OF THE**  
6 **CALCULATION OF DEADLINES IN**  
7 **CRIMINAL CASES IN THE SECOND**  
8 **JUDICIAL DISTRICT COURT**

9   **ORDER**

10                   WHEREAS, in Order No. 22-8300-012, this Court approved amendments to  
11 Rule LR2-308 NMRA to facilitate case management in the Second Judicial District  
12 Court, effective September 12, 2022;

13                   WHEREAS, this Court ordered in Order No. 22-8500-018 that the calculation  
14 of any deadlines under Rules 5-604, 6-506, 7-506, 8-506, and LR2-308 NMRA for  
15 all criminal cases pending or filed on or after March 17, 2020, shall not include any  
16 period of time-delay caused by the COVID-19 public health emergency but that a  
17 judge must enter specific findings of fact demonstrating that the period of delay in  
18 those cases was caused by the current public health emergency;

1           WHEREAS, the extension of the time limits of Rules 5-604 and LR2-308  
2 NMRA has contributed to a backlog of criminal cases in the Second Judicial District  
3 Court;

4           WHEREAS, in the time since the COVID-19 public health emergency first  
5 began, the Second Judicial District Court and the Bernalillo County Metropolitan  
6 Detention Center have developed and improved methods and procedures to safely  
7 and effectively conduct criminal proceedings in accordance with rights and  
8 requirements under the New Mexico Constitution and New Mexico law;

9           WHEREAS, this Court may exercise its equitable powers and the power of  
10 superintending control over pleading and practice in the New Mexico Judiciary to  
11 implement measures to facilitate the timely resolution of criminal cases;

12           WHEREAS, in light of the foregoing, and the Court being sufficiently  
13 advised, Chief Justice C. Shannon Bacon, Justice Michael E. Vigil, Justice David K.  
14 Thomson, Justice Julie J. Vargas, and Justice Briana H. Zamora concurring;

15           NOW, THEREFORE, IT IS ORDERED that the provision for extension of  
16 deadlines in criminal cases, prescribed in Order No. 22-8500-018 and all preceding  
17 orders of this Court pertaining to the COVID-19 public health emergency, is hereby

1 WITHDRAWN for all track 1 and track 2 criminal cases as defined under LR2-308  
2 NMRA, which are filed in the Second Judicial District Court on or after September  
3 12, 2022.

4 IT IS FURTHER ORDERED that in all track 1 and track 2 criminal cases  
5 filed in the Second Judicial District Court on or after September 12, 2022, the  
6 calculation of any deadlines under Rules 5-604 and LR2-308 NMRA shall apply  
7 without exception for time-delay caused by the public health emergency, unless the  
8 judge grants an extension in accordance with the applicable provisions of Rule LR2-  
9 308 NMRA.

10 IT IS FURTHER ORDERED that for all track 1 and track 2 criminal cases  
11 pending in the Second Judicial District Court as of September 12, 2022, the judge  
12 shall issue an amended scheduling order and set a new trial date unless the judge  
13 determines that the case can reasonably proceed as scheduled under an existing  
14 scheduling order.

15 IT IS FURTHER ORDERED that given inherent complexities in track 3  
16 cases, the provision of Order No. 22-8500-018 regarding deadlines for trials in  
17 criminal cases remains in effect for all track 3 cases.

1 IT IS FURTHER ORDERED that the suspension of the exercise of  
2 peremptory excusals under Rule 5-106 NMRA and Rule LR2-308(F) NMRA (as  
3 amended and approved in Order No. 22-8300-012) remains in effect as prescribed  
4 in Order No. 22-8500-007.

5 IT IS FURTHER ORDERED that, as deemed necessary under Rule LR2-  
6 308(H) NMRA (as amended and approved in Order No. 22-8300-012), Second  
7 Judicial District Court judges may amend any existing scheduling orders in criminal  
8 cases pending as of September 12, 2022.

9 IT IS SO ORDERED.



WITNESS, the Honorable C. Shannon Bacon, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 29th day of July, 2022.

*Elizabeth A. Garcia*

Elizabeth A. Garcia, Chief Clerk of the Supreme Court  
of the State of New Mexico

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