



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

2 **October 18, 2024**

3 **NO. S-1-AO-2024-00041**

4 **IN THE MATTER OF THE APPARENT**
5 **MISUSE OF EXCUSAL PROCEDURE**
6 **UNDER RULE 5-106 NMRA BY**
7 **DISTRICT ATTORNEY MARY**
8 **CARMACK-ALTWIES**
9 **AND THE FIRST JUDICIAL DISTRICT**
10 **ATTORNEY'S OFFICE**

11 **ORDER**

12 WHEREAS, this matter came for consideration by Chief Justice David K.
13 Thomson upon the written notice and request of First Judicial District Court Chief
14 Judge Bryan Biedscheid pursuant to Rule 5-106(G) NMRA and response thereto;

15 WHEREAS, under Rule 5-106(G), “[t]he Chief Justice may take appropriate
16 action to address any misuse, including issuance of an order providing that the
17 attorney or attorneys or any party they represent may not file preemptory excusals
18 for a specified period of time or until further order of the Chief Justice”;

19 WHEREAS, Chief Justice Thomson having considered the foregoing and
20 being sufficiently advised;

21 NOW, THEREFORE, IT IS ORDERED that District Attorney Mary
22 Carmack-Altwies and the First Judicial District Attorney’s Office, shall not file
23 notices of excusal under Rule 5-106, or statements of disqualification under

1 NMSA 1978, Section 35-3-7 (1983), against Judge Mary Marlowe Sommer in any
2 case in which the First Judicial District Attorney represents the State, effective
3 IMMEDIATELY, and for the next ninety (90) days.

4 DONE at Santa Fe, New Mexico, this 18th day of October, 2024.

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David K. Thomson, Chief Justice