

1 **8-307. Consolidating cases.**

2 A. **Consolidation motions; judge assignment.** Cases may be consolidated in
3 appropriate circumstances. Consolidated cases shall be heard by the judge assigned to the oldest
4 case (the case bearing the lowest case number) in which the judge has not been excused,
5 challenged, or recused. The parties may stipulate to a different assigned judge to hear the
6 consolidated cases with permission of that judge.

7 B. **Filings; copies.** The motion to consolidate and the court’s order to consolidate
8 shall be filed in the oldest case (the case bearing the lowest case number). Copies of the motion
9 and order shall be filed in all the consolidated cases. Following consolidation, all pleadings,
10 motions, and other papers shall be filed in the oldest case. Copies shall be filed in all the remaining
11 cases.

12 C. **Captions; titles.** The case number of each case consolidated shall appear in the
13 caption of all pleadings, motions, and other papers filed after consolidation. In addition, if the
14 pleading, motion, or other paper does not apply to all consolidated cases, the title shall include the
15 case number(s) to which it pertains, e.g., “Motion to Suppress on Count II of D-101-CR-2021-
16 00000.”

17 D. **Effect of consolidation.** If cases are consolidated specifically for plea and
18 sentencing, they are considered to be one case for purposes of sentencing. This results in a single
19 judgment and sentence.

20 E. **Pretrial detention cases.** This rule shall not apply to pretrial detention cases
21 consolidated into the corresponding criminal cause number.

22 [Adopted by Supreme Court Order No. S-1-RCR-2023-00008, effective for all cases pending or
23 filed on or after December 31, 2024.]

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Committee commentary. — Consolidation of criminal cases is a procedural mechanism which avoids repetitious litigation and facilitates speedy administration of justice. Consolidating separate charging documents yields a single charging document containing separate counts. *See State v. Compton*, 1953-NMSC-036, ¶¶ 41-42, 57 N.M. 227; *see also State v. Paschall*, 1965-NMSC-008, ¶ 3, 74 N.M. 750. Thus, when cases are consolidated in criminal matters, the parties and court must be held to the sentencing limitations applicable to a trial based on one charging document. *See Torres v. Santistevan*, 2023-NMSC-021, 536 P.3d 465. Subject to opposition by either party, the court has discretion to consolidate cases when an issue bears on all pending cases; for example, in addressing questions of competency or determining conditions of release. On resolution of the issue, the cases are considered unconsolidated and shall be returned to the court originally assigned.

This rule is not to be conflated with the joinder of offenses or defendants, which continues to be governed by Rule 8-306 NMRA.

[Adopted by Supreme Court Order No. S-1-RCR-2023-00008, effective for all cases pending or filed on or after December 31, 2024.]