



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

2 **November 1, 2024**

3 **NO. S-1-AO-2024-00039**

4 **IN THE MATTER OF SETTLEMENT**
5 **DEADLINES IN CIVIL CASES AND THE**
6 **PERMANENT IMPLEMENTATION OF**
7 **PLEA DEADLINES IN CRIMINAL CASES**

8 **ORDER**

9 WHEREAS, this matter came on for consideration upon recommendation of
10 the Rules of Criminal Procedure for State Courts Committee to amend Rules 5-304,
11 6-302, and 7-302 NMRA to permanently implement the plea deadline provisions for
12 criminal cases as now set forth in Supreme Court Order No. 23-8500-012, *In the*
13 *Matter of Plea and Settlement Deadlines in Criminal and Civil Cases;*

14 WHEREAS, Order No. 23-8500-012 implemented certain plea and settlement
15 deadlines in criminal and civil cases to improve court operations and provide clear
16 and consistent plea and settlement deadlines;

17 WHEREAS, the amendment of Rules 5-304, 6-302, and 7-302 NMRA has
18 been APPROVED by concurrently issued Supreme Court Order No. S-1-RCR-
19 2024-00113;

20 WHEREAS, the Court having considered the recommendation and being
21 sufficiently advised, Chief Justice David K. Thomson, Justice Michael E. Vigil,

1 Justice C. Shannon Bacon, Justice Julie J. Vargas, and Justice Briana H. Zamora
2 concurring;

3 NOW, THEREFORE, IT IS ORDERED that Order No. 23-8500-012 is
4 hereby WITHDRAWN and replaced by this order;

5 IT IS FURTHER ORDERED that in criminal proceedings in which a jury or
6 bench trial has been scheduled by a district court, magistrate court, or the Bernalillo
7 County Metropolitan Court, plea agreements shall be governed by amended Rules
8 5-304, 6-302, and 7-302 NMRA;

9 IT IS FURTHER ORDERED that the provisions contained in amended Rules
10 5-304, 6-302, and 7-302 NMRA shall not apply to the plea deadline provisions in
11 any case management programs for criminal cases set forth by district court local
12 rule;

13 IT IS FURTHER ORDERED that in civil proceedings in which a jury or
14 bench trial has been scheduled by a district court, magistrate court, or the Bernalillo
15 County Metropolitan Court, a settlement agreement between the parties that would
16 eliminate the need for a trial shall be submitted for the court's consideration no later
17 than five (5) business days before the scheduled date for jury selection or
18 commencement of a bench trial that will allow the court sufficient time to take action
19 on the settlement agreement;

1 IT IS FURTHER ORDERED that a request for the court to approve an
2 untimely settlement agreement shall not be granted except upon a written finding by
3 the judge of extraordinary circumstances that excuse the untimely submission of the
4 agreement, and if the court denies a request to accept an untimely settlement
5 agreement, the case shall proceed to trial on the scheduled date; and

6 IT IS FURTHER ORDERED that the provisions of this order shall be
7 effective December 31, 2024.

8 IT IS SO ORDERED.



9 WITNESS, the Honorable David K. Thomson, Chief
10 Justice of the Supreme Court of the State of New Mexico,
11 and the seal of said Court this 1st day of November, 2024.

A handwritten signature in cursive script that reads "Elizabeth A. Garcia".

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

I CERTIFY AND ATTEST:
A true copy was served on all parties
or their counsel of record on date filed.
Elizabeth A. Garcia
Chief Clerk of the Supreme Court
of the State of New Mexico