

1 **5-101. Scope and title.**

2 A. **Scope.** These rules govern the procedure in the district courts of New Mexico in all
3 criminal proceedings.

4 B. **Construction.** These rules are intended to provide for the just determination of
5 criminal proceedings. They shall be construed to secure simplicity in procedure, fairness in
6 administration and the elimination of unjustifiable expense and delay.

7 C. **Title.** These rules shall be known as the Rules of Criminal Procedure for the District
8 Courts.

9 D. **Citation form.** These rules shall be cited by set and rule numbers in accordance
10 with Rule 23-112 NMRA, as in [~~NMRA,~~]Rule 5-___ NMRA.

11 [As amended by Supreme Court Order No. S-1-RCR-2024-00109, effective December 31, 2024.]

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13 **Committee commentary.**— The 1974 amendments to this rule eliminated a reference to
14 proceedings in the magistrate courts. The adoption of revised magistrate rules, the Rules of
15 Criminal Procedure for the Magistrate Courts, requires the attorney and magistrate to look to those
16 rules for certain proceedings in felony cases which are handled by the magistrate.

17 This rule does not specifically provide that these rules apply to prosecutions for criminal contempt.

18 Compare Paragraph B of Rule 11-1101 NMRA. New Mexico decisions suggest, but do not
19 definitely hold, that indirect or constructive criminal contempt proceedings would be governed by

20 the applicable rules of criminal procedure. *See, State v. New Mexico Printing Co.*, 25 N.M.

21 102, 177 P. 751 (1918). *Compare, Norton v. Reese*, 76 N.M. 602, 417 P.2d 205 (1966) with *Seven*

22 *Rivers Farms, Inc. v. Reynolds*, 84 N.M. 789, 508 P.2d 1276 (1973). *See also*, 34-1-4 and 39-3-

23 15A NMSA 1978.