

1 **7-302. Pleas allowed.**

2 A. **Pleas and defenses.** The plea shall be one of the following: guilty, not guilty, or no
3 contest. No other pleas shall be permitted. A plea of not guilty shall not operate as a waiver of any
4 defense or objection. Defenses and objections not raised by the plea shall be asserted in the form
5 of motions to dismiss or for appropriate relief.

6 B. **Failure or refusal of defendant to enter a plea.** If the defendant refuses to enter
7 a plea, or stands mute, the court shall enter a plea of not guilty on behalf of [~~such~~] the defendant.

8 C. **Rejection of pleas.** The court shall reject a plea of guilty or no contest if justice
9 would not be served by acceptance of [~~such~~] the plea.

10 D. **Plea agreement deadline.** Except in non-attorney prosecutions, a plea agreement
11 between the parties that would eliminate the need for a trial shall be submitted for the court's
12 consideration by a deadline set in the court's discretion, but in any event, no plea agreement shall
13 be entered into later than five (5) days before the scheduled date for jury selection or
14 commencement of a bench trial. The court shall set a hearing within the plea deadline at which the
15 defendant's presence is required and at which the defendant has an opportunity to consider any
16 plea offer.

17 E. **Untimely plea agreements.** A request for the court to approve an untimely plea
18 agreement less than five (5) days before the scheduled date for jury selection or commencement
19 of a bench trial shall not be granted except on a written finding by the judge of extraordinary
20 circumstances that excuse the untimely submission of the agreement. If the court denies a request
21 to accept an untimely plea agreement, the case shall proceed to trial on the scheduled date.

22 Notwithstanding the denial of a request to accept an untimely plea agreement, a defendant
23 may elect to plead guilty to all legally permissible charges leaving full sentencing discretion with

1 the court, or the prosecution may elect to dismiss any and all charges any time before or during
2 trial.

3 [As amended by Supreme Court Order No. 18-8300-023, effective for all cases filed on or after
4 February 1, 2019; as amended by Supreme Court Order No. S-1-RCR-2024-00113, effective for
5 all cases pending or filed on or after December 31, 2024.]

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7 **Committee commentary.** — A prosecutor’s dismissal of charges under Paragraph E of
8 this rule does not change or alter the law on double jeopardy.

9 Use of the phrase “legally permissible” in Paragraph E is intended to alert both the courts
10 accepting changes of plea and the parties entering into them to avoid potential illegalities.
11 Defendants may raise legal challenges on appeal to convictions based on charges pled to that
12 conflict with constitutional protections, statutes, or caselaw; for example, when there are double
13 jeopardy concerns, conflicts with statutory intent, or issues with the underlying factual basis of the
14 plea. See *State v. Jackson*, 1993-NMCA-092, 116 N.M. 130, 860 P.2d 772; NMSA 1978, § 30-1-
15 10 (1963); *State v. Gray*, 2016-NMCA-095, 384 P.3d 1083.

16 [Adopted by Supreme Court Order No. S-1-RCR-2024-00113, effective for all cases pending or
17 filed on or after December 31, 2024.]