

10-251.1. Judgment; youthful offenders.

A. Judgment.

(1) ***Juvenile disposition.*** Unless the court has made the necessary findings to sentence a youthful offender as an adult, a judgment and disposition shall be rendered in accordance with Rule 10-251 NMRA.

(2) ***Adult sentence.*** If the court has made the necessary findings to sentence a youthful offender as an adult, a judgment of guilty shall be rendered, and Paragraphs B[,], and C[,], ~~and D~~] of this rule shall apply. The judgment and sentence shall be rendered in open court and thereafter a written judgment and sentence shall be signed by the judge and filed. The clerk shall give notice of entry of judgment and sentence.

B. Sentencing Hearing. Except for good cause shown, the sentencing hearing shall begin within ninety (90) days from the date that the court entered the necessary findings to sentence a youthful offender as an adult.

C. Judgment and Sentence. Within thirty (30) days after the conclusion of the sentencing hearing, the court shall enter a judgment and sentence.

~~[D. — **Costs and Fees.** In every case in which there is a conviction, costs and fees may be imposed as provided by law.]~~

[Adopted by Supreme Court Order No. 14-8300-015, effective for all cases filed on or after December 31, 2014; as amended by Supreme Court Order No. S-1-RCR-2023-00038, effective for all cases pending or filed on or after October 9, 2025.]

Committee commentary. — If the child is found not amenable to treatment or rehabilitation as a child in available facilities and not eligible for commitment to an institution for children with developmental disabilities or mental disorders, the adult probation and parole

- 1 division of the corrections department must prepare a report before sentencing. *See* NMSA 1978,
- 2 § 32A-2-17; *State v. Jose S.*, 2007-NMCA-146, 142 N.M. 829, 171 P.3d 768.
- 3 [Adopted by Supreme Court Order No. 14-8300-015, effective December 31, 2014.]