



IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

September 29, 2025

NO. S-1-AO-2025-00019

**IN THE MATTER OF PRELIMINARY
EXAMINATIONS IN THE
METROPOLITAN COURT AFTER THE
DISPOSITION OF A PRETRIAL
DETENTION MOTION AND THE
ASSIGNMENT OF PRIMARY
RESPONSIBILITY FOR WARRANTS TO
THE METROPOLITAN COURT**

ORDER

WHEREAS, this matter came on for consideration upon recommendation of the Second Judicial District Court to allow cases to be remanded to the metropolitan court for preliminary examinations after a ruling by the district court on a pretrial detention motion, and to assign primary responsibility for reviewing and signing warrants to the metropolitan court;

WHEREAS, allowing for the remand of cases to the metropolitan court for a preliminary examination following the disposition of a detention motion and assigning primary responsibility for warrants to the metropolitan court would promote case management and the balance of responsibilities between the Second Judicial District Court and the Bernalillo County Metropolitan Court; and

1 WHEREAS, the Court having considered the recommendation and being
2 sufficiently advised, Chief Justice David K. Thomson, Justice Michael E. Vigil,
3 Justice C. Shannon Bacon, Justice Julie J. Vargas, and Justice Briana H. Zamora
4 concurring;

5 NOW, THEREFORE, IT IS ORDERED that under Rules 5-409 and 7-409
6 NMRA, if a motion for pretrial detention is filed in the metropolitan court, the
7 metropolitan court's jurisdiction to set or amend conditions of release shall be
8 terminated, and the district court shall acquire exclusive jurisdiction over issues of
9 pretrial release until the case is remanded by the district court following disposition
10 of the detention motion;

11 IT IS FURTHER ORDERED that under Rules 5-409 and 7-409, if the motion
12 for pretrial detention was filed in the metropolitan court—unless a preliminary
13 examination has been held concurrently with the motion for pretrial detention or
14 otherwise scheduled in the district court—upon completion of the detention hearing,
15 the district court shall promptly transmit to the metropolitan court a copy of either
16 the order for pretrial detention or the order setting conditions of release and shall
17 remand the matter for further proceedings in the metropolitan court. The
18 metropolitan court may modify the order setting conditions of release upon a
19 showing of good cause, but as long as the case remains pending, the metropolitan

1 court may not release a defendant who has been ordered detained by the district
2 court;

3 IT IS FURTHER ORDERED that under Rule 5-302 NMRA, the district court
4 may remand a case to the metropolitan court for a preliminary examination unless a
5 preliminary examination has been previously conducted in the metropolitan court;

6 IT IS FURTHER ORDERED that office hours warrant requests in Bernalillo
7 County shall be initiated at the metropolitan court, and the metropolitan court shall
8 have primary responsibility for reviewing and signing warrants;

9 IT IS FURTHER ORDERED that the district court shall serve on a back-up
10 rotation for reviewing and signing warrants;


11 IT IS FURTHER ORDERED that the metropolitan court shall not have
12 primary responsibility for reviewing and signing warrants when otherwise restricted
13 by law, *see, e.g.* NMSA 1978, § 30-12-2 (1972); NMSA 1978, § 30-12-3 (1973);
14 Rule 10-215 NMRA; Fed. R. Crim. P. 41(b)(1), or when the review and signing of
15 a warrant by a district court is preferred, such as warrants regarding after-hours GPS
16 monitoring for defendants on district court GPS monitoring; and
17

1 IT IS FURTHER ORDERED that the provisions of this order shall be
2 effective for all cases immediately, until further order of this Court.

3 IT IS SO ORDERED.



WITNESS, the Honorable David K. Thomson, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 29th day of September, 2025.


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 the date filed.

Merianne Stoneback
Clerk of the Supreme Court
of the State of New Mexico