

1 **LR2-111. Transportation of incarcerated and in-custody persons for hearings and trial;**  
2 **dress.**

3 [Related Statewide Rule 5-502 NMRA]

4 A. **Submission of transportation orders.** Except as described below, [A] a court  
5 order is required for the transportation for trial, hearing, or other proceeding of any person under  
6 the jurisdiction of the [~~second judicial district~~] Second Judicial District and incarcerated or in  
7 custody at the New Mexico State Penitentiary, New Mexico Youth Diagnostic Development  
8 Center, Metropolitan Detention Center (“MDC”), Bernalillo County Youth Services Center  
9 (“BCYSC”), state hospital, or other such institution [~~except the Bernalillo County Detention~~  
10 Center]. Nothing in this rule precludes the court from developing an administrative process to  
11 ensure transportation from the MDC and BCYSC. In criminal, delinquency, and youthful offender  
12 cases, a transportation order is not required for transportation from MDC and BCYSC. [the] The  
13 prosecutor shall submit a proposed transportation order for all proceedings and shall serve an  
14 endorsed copy of the transportation order on the institution in such a manner that the copy is  
15 received at least twenty-one (21) days [~~prior to~~] before the date of the requested transport. If the  
16 proceeding is scheduled in fewer than twenty-one (21) days, the prosecutor shall submit the  
17 proposed transportation order within one (1) business day of the proceeding being set and serve  
18 the institution with an endorsed copy of the transportation order immediately upon receipt of the  
19 signed order.

20 Upon court order, incarcerated or in-custody persons should be transported to allow  
21 sufficient time for consultation with counsel, if any. This section does not apply to transportation  
22 orders obtained under Rule 5-502(D) NMRA.

1           B.     **Contents of proposed order.** Proposed transportation orders shall include the  
2 following:

3                   (1)     the full name and any aliases of the person to be transported and that  
4 person's date of birth and social security number;

5                   (2)     the applicable case number and caption;

6                   (3)     the designated transporting agency (usually the sheriff of the appropriate  
7 county);

8                   (4)     the place where the person is incarcerated or in custody;

9                   (5)     the place(s) where the person is to be transported;

10                  (6)     the reason for the transport;

11                  (7)     the place, date, and time of the proceeding and, if known, the length of such  
12 proceeding;

13                  (8)     the date the person is to be returned, if applicable; and

14                  (9)     the requirement, if any, for civilian clothing.

15           C.     **Notice to ~~[Bernalillo County]~~ Metropolitan Detention Center.** The criminal  
16 clerk shall notify ~~[the Bernalillo County Metropolitan Detention Center (“BCDC”)]~~ MDC of  
17 criminal trials and other hearings for defendants in custody or incarcerated at ~~[BCDC]~~ MDC.  
18 ~~[BCDC]~~ MDC personnel shall transport ~~[such]~~ these defendants to ~~[such]~~ the hearings.

19           D.     Notice to BCYSC. The Children's Court clerk shall notify BCYSC of proceedings  
20 in Children's Court for respondent children in custody or incarcerated at BCYSC. BCYSC  
21 personnel shall transport these respondent children to the hearings.

1           [~~D~~]E. [~~Prisoners~~<sup>2</sup>] Inmates' dress. The incarcerating or custodial institution shall  
2   [~~ensure that prisoners~~] permit inmates appearing for jury trials to be clean and dressed in civilian  
3   clothing unless otherwise ordered by the court.  
4   [LR2-113 recompiled and amended as LR2-111 by Supreme Court Order No. 16-8300-015,  
5   effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme  
6   Court Order No. S-1-RCR-2024-00120, effective for all cases filed on or after December 31,  
7   2025.]