

1 **7-611. Motion for new trial; appeals on the record.**

2 A. **Motion.** In cases which may be appealed on the record, if the defendant has been
3 found guilty, the court, on motion of the defendant^[5] or on its own motion, may grant a new trial
4 if required in the interest of justice.

5 B. **Time for making motion for new trial.** A motion for new trial shall be made
6 within ten (10) days after verdict or finding of guilty or within ~~[such]~~any further time as the court
7 may fix during the ~~[ten (10) day]~~ ten (10)-day period. ~~[If a motion for new trial is not granted~~
8 ~~within twenty (20) days from the date it is filed, the motion is automatically denied.]~~

9 C. **Extension of time for appeal.** If a party timely files a motion for new trial
10 ~~[pursuant to]~~under this rule, the full time prescribed by Rule 7-703 NMRA for the filing of the
11 notice of appeal shall commence to run and be computed from either the entry of an order expressly
12 disposing of the motion for new trial or the filing of a notice by the movant in metropolitan court
13 stating that the motion is withdrawn provided that the motion for new trial has not been expressly
14 disposed of by order and there are no other motions that may affect the finality of the judgment
15 that remain pending. ~~[or the date of any automatic denial of the motion, whichever occurs first.]~~
16 An order granting a motion for new trial is not appealable and renders any prior judgment non-
17 appealable.

18 [Adopted, effective January 1, 1994; as amended by Supreme Court Order No. S-1-RCR-2025-
19 00175, effective for all cases pending or filed on or after December 31, 2025.]