

**PROPOSED REVISIONS TO THE RULES OF CIVIL PROCEDURE FOR THE
DISTRICT COURTS, THE RULES OF CRIMINAL PROCEDURE FOR THE
DISTRICT COURTS, AND THE RULES GOVERNING THE RECORDING OF
JUDICIAL PROCEEDINGS
PROPOSAL 2026-036**

March 6, 2026

The Rules of Civil Procedure for State Courts Committee and the Rules of Criminal Procedure for State Courts Committee has recommended amendments to Rules 5-111, 5-117, 5-506, 22-101, 22-201, 22-206, 22-301, 22-302, and 22-303 NMRA, and the withdrawal of Rule 1-092 NMRA for the Supreme Court's consideration.

If you would like to comment on the proposed amendments set forth below before the Court takes final action, you may do so by either submitting a comment electronically through the Supreme Court's website at <https://supremecourt.nmcourts.gov/rules-forms-files/rules-forms/open-for-comment/> or sending your written comments by mail, email, or fax to:

Elizabeth A. Garcia, Chief Clerk of Court
New Mexico Supreme Court
P.O. Box 848
Santa Fe, New Mexico 87504-0848
rules.supremecourt@nmcourts.gov
505-827-4837 (fax)

Your comments must be received by the Clerk on or before April 5, 2026, to be considered by the Court. Please note that any submitted comments may be posted on the Supreme Court's website for public viewing.

[WITHDRAWN]

~~[1-092. Nonstenographic recording.~~

~~The district court may, upon its own motion or the motion of a party, order that the record, or any part thereof, of any proceeding before it be made by other than stenographic means, in which event the order shall designate the portion or portions to be so made, and the manner of recording and preserving the same and may include other provisions to assure that the record will be accurate and trustworthy. Such other provisions may, but are not required to, include a provision for utilizing a court reporter to record the proceedings in addition to recording by other means.]~~

~~[Withdrawn by Supreme Court Order No. _____, effective _____.]~~

5-111. Record; definition.

As used in the Rules of Criminal Procedure, "record" shall mean:

~~[A. **Definition.** As used in the Rules of Criminal Procedure, "record" shall mean:]~~

~~[(1)] A. stenographic notes which must be transcribed when a "record" is required to be filed;~~

[(2)] B. a statement of facts and proceedings stipulated to by the parties for purpose of review; or

[(3)] C. [~~any mechanical, electrical or other recording, including a videotape recording of any proceeding, including grand jury proceedings, when such method of mechanical, electrical or other recording has been approved by the court administrator.~~] any recording made by the court's audio recording device.

[~~B. — **Broadcast or reproduction.** Except for the disclosures provided for in Rule 5-506, no broadcast or reproduction of any mechanical, electrical or other recording shall be made for any person other than an official of the court.~~]

[~~Amended by Supreme Court Order No. _____, effective for all cases pending or filed on or after _____.~~]

[~~**Committee commentary.**— The adoption of this rule provided the express authority for use of a tape recorded record. See e.g., *State v. Lard*, 86 N.M. 71, 519 P.2d 307 (Ct. App. 1974). In *State ex rel. Moreno v. Floyd*, 85 N.M. 699, 516 P.2d 670 (1973), the supreme court approved a tape recording as the record of a preliminary hearing for use by the defendant. See also, Rule 6-110 NMRA [now withdrawn].~~]

[~~Withdrawn by Supreme Court Order No. _____, effective _____.~~]

5-117. Record; exhibits.

A. **Record of proceedings.** A verbatim record shall be made of all court proceedings, including, but not limited to:

- (1) the trial;
- (2) arraignment;
- (3) release proceedings;
- (4) motion hearings;
- (5) plea agreement proceedings;
- (6) sentencing and habitual offender proceedings;
- (7) habeas corpus proceedings; and
- (8) extradition proceedings.

B. **Receipt.** The certified court reporter or [~~tape monitor~~] certified court monitor shall deliver to the clerk of the court a copy of the record of proceedings, all tendered exhibits and a receipt listing the exhibits. Upon receipt of the record and exhibits, the clerk shall sign the receipt and file a copy in the court file.

C. **Return.** Unless otherwise ordered by the court, after notice to the parties or their attorneys in the manner set forth in this rule, all exhibits delivered to the clerk may be returned to the attorney or party tendering the exhibit as evidence.

D. **Notice of disposition of exhibits.** Prior to returning the exhibits to the attorney or party tendering the exhibit as evidence, the clerk shall give written notice to all parties or their attorneys that, unless otherwise ordered by the court, the exhibits in custody of the clerk will be returned to the attorney or party tendering the exhibit or otherwise disposed of after the expiration of sixty (60) days from the date of mailing of such notice. The clerk shall give the written notice required by this paragraph:

- (1) within ninety (90) days after final disposition of the case, or
- (2) if there is an appeal and a new trial has not been ordered, within thirty (30) days after the filing of the mandate in the district court.

The clerk shall file a notice of the final disposition of the evidence.

E. **Preservation of exhibits.** Upon motion, the court may order any exhibit preserved by the court or disposed of in the manner ordered by the court.

F. **Preservation of biological and physical evidence.** The court shall preserve all evidence that is secured in relation to an investigation or prosecution of a crime and that could be subjected to DNA testing, for not less than the period of time that a person remains subject to incarceration or supervision in connection with the investigation or prosecution.

G. **Disposal of biological and physical evidence.** The court may dispose of evidence before the expiration of the time period set forth in Paragraph F of this rule if:

(1) no other law, regulation or court order requires that the evidence be preserved;

(2) the evidence must be returned to its rightful owner;

(3) preservation of the evidence is impractical due to the size, bulk, or physical characteristics of the evidence; and

(4) the state takes reasonable measures to remove and preserve portions of the evidence sufficient to permit future DNA testing.

H. **Compliance.** The court may comply with the requirements of Paragraphs F and G of this rule, by returning the evidence described in those paragraphs to the appropriate representative of the State.

[Adopted, effective August 1, 1989; as amended, effective November 15, 2000; as amended by Supreme Court Order No. 15-8300-010, effective for all cases pending or filed on or after December 31, 2015; as amended by Supreme Court Order No. _____, effective for all cases pending or filed on or after _____.]

Committee commentary. — See NMSA 1978, Section 31-1A-2.

[Adopted by Supreme Court Order No. 15-8300-010, effective for all cases pending or filed on or after December 31, 2015.]

5-506. Grand jury proceedings.

A. **Indictment.** Grand jury indictments shall be public when they are filed with the court. Upon request, the court may order an indictment sealed until arrest.

B. **[Sound] Audio recording.** ~~[A sound]~~ An audio recording shall be made of the testimony of all witnesses and any explanation or instructions of the prosecutor and any comments made by the prosecutor or other persons in the presence of the grand jury. No record shall be made of the deliberations of the grand jury.

C. **Copy of recording.** At any time after indictment, on request of a party, the district court clerk shall furnish a copy of the ~~[tape]~~ audio recording of:

(1) the defendant's testimony before the grand jury; and

(2) the entire proceedings, unless the state objects to some portions of the ~~[tape]~~ recording, in which case the court shall determine which portions of the proceedings are to be furnished to defendant.

D. **Disclosure.** The district court may prohibit disclosure of that portion of testimony or proceedings which creates substantial risk of harm to some person or which is irrelevant to the defendant.

[As amended, effective August 1, 1989; as amended by Supreme Court Order No. _____, effective for all cases pending or filed on or after _____.]

Committee commentary. — This rule provides that the district court shall order the preparation of a copy of the ~~[tape]~~ audio recording of testimony of a defendant or a witness on the state's witness list before the grand jury.

Prior to the adoption of this rule and the amendment of Rule 5-501, the prosecution was not required to produce the statement of the defendant before the grand jury. Section 31-6-8 NMSA 1978, enacted by the 1979 legislature, provides that a transcript of testimony before the grand jury is to be made only upon order of the district court.

The rule in New Mexico is that:

"(O)nce the witness has testified at the criminal trial about that which he testified before the grand jury, the accused is entitled to an order permitting examination of that portion of the witness' grand jury testimony relating to the crime for which the defendant is charged". *Valles v. State*, 90 N.M. 347, 563 P.2d 610 (Ct. App. 1977), cert. denied, 90 N.M. 637, 567 P.2d 486, quoting from *State v. Sparks*, 85 N.M. 429, 512 P.2d 1265 (Ct. App. 1973), cert. denied, 92 N.M. 353, 588 P.2d 554 (1978); *State v. Felter*, 85 N.M. 619, 515 P.2d 138 (1973); *State v. Tackett*, 78 N.M. 450, 432 P.2d 415 (1967), cert. denied, 390 U.S. 1026, 20 L. Ed. 2d 283, 88 S. Ct. 1414 (1968); and *State v. Morgan*, 67 N.M. 287, 354 P.2d 1002 (1960), holding that the defendant is entitled to a copy of the transcript of testimony of a witness before the grand jury prior to the time that the witness testifies at trial only on a showing of particularized need.

Paragraph D of this rule addresses the problem that can result from the release of certain information such as the addresses of witnesses and the names of confidential informants. The district court may prohibit such disclosures when consistent with the constitutional right to a fair trial.

22-101. Scope; definitions; title.

A. Scope.

(1) The examination, certification, supervision, conduct, and proficiency of court reporters and court monitors engaging in court reporting or monitoring services are matters that are integrally related to the effective, impartial, and prompt operation of the judicial branch of the State of New Mexico and are hereby made subject to regulation by rule of the Supreme Court.

(2) Except as provided by the Rules of Appellate Procedure, Rules of Civil Procedure for the District Courts, Rules of Criminal Procedure for the District Courts, Children's Court Rules, the Rules of Civil Procedure for the Metropolitan Court or the Rules of Criminal Procedure for the Metropolitan Court, these rules govern transcripts and the recording of judicial proceedings by any and all means whatsoever. If a deposition taken under the rules of procedure for a court listed in this subparagraph is to be taken by stenographic means, the person taking the deposition shall be a certified court reporter as provided in these rules.

~~[(3) — These rules shall be reviewed on a periodic basis not to exceed three (3) years.]~~

B. Definitions. As used in these rules:

(1) "board" means the Board Governing the Recording of Judicial Proceedings;

(2) "censure" means to publicly reprimand a certified court reporter or certified court monitor, with or without conditions reasonably related to the grounds for censure for conduct found to be in violation of Rule 22-605 NMRA;

(3) "certified court monitor" ~~[or "court monitor"]~~ means a person holding a certificate issued by the board to engage in the audio recording of judicial proceedings in this state;

(4) “certified court reporter” means a person holding a certificate issued by the board to engage in the reporting of judicial proceedings in this state and includes any firm licensed under Rule 22-202 NMRA;

(5) “certification” means licensing by the board for a court reporter, court monitor, or firm to engage in the reporting or recording of judicial proceedings in this state under the Rules Governing the Recording of Judicial Proceedings;

(6) “court monitor” means a person who records judicial proceedings by audio recording;

(7) “court reporter” means a person who engages in verbatim shorthand reporting using machine shorthand;

(8) “court reporting services” means providing verbatim shorthand recording in judicial proceedings using machine shorthand. “Court reporting services” shall not include services performed in the taking of depositions or statements by audio or audio-visual recording;

(9) “firm” means, but is not limited to, a limited liability company, corporation, association, or other organization engaged in the practice of court reporting services in this state;

(10) “judicial proceedings” includes any court proceedings, depositions, and sworn statements in which a certified court monitor or a certified court reporter acts under their ~~[certified court reporter’s]~~ New Mexico certification, but specifically excludes appellate court, Judicial Standards Commission, Disciplinary Board, magistrate court, municipal court, or probate court proceedings;

(11) “official court reporter” is a certified court reporter who is employed by New Mexico under the judicial personnel plan and entitled to certain benefits as a state employee under the provisions of Section 34-6-20 NMSA 1978 or who performs services for the judicial branch under a standardized contract approved by the Supreme Court;

(12) “person” means, but is not limited to, any individual, firm, partnership, limited liability company, corporation, association, or other organization; and

(13) “record” means

(a) stenographic notes that must be transcribed when a record is required to be made;

(b) a statement of facts stipulated to by the parties for purpose of review;

or

(c) any recording made by ~~[an]~~ the court’s audio recording device.

C. **Title.** These rules may be cited as the “Rules Governing the Recording of Judicial Proceedings”.

[Adopted, effective January 1, 1983; as amended, effective December 1, 1993; February 16, 2004; as amended by Supreme Court Order No. 11-8300-047, effective January 27, 2012; as amended by Supreme Court Order No. 16-8300-027, effective December 31, 2016; as amended by Supreme Court Order No. _____, effective _____.]

22-201. Licensing of court reporters and monitors; power to administer oaths.

A. **Court monitors and court reporters.** ~~[Except as provided in Paragraph C of this rule, no]~~ No person shall engage in court monitoring or court reporting services in this state unless such person is licensed as a ~~[New Mexico]~~ certified court monitor or certified court reporter issued either by the ~~[New Mexico]~~ Supreme Court or by the ~~[Board Governing the Recording of Judicial Proceedings]~~ board.

B. **Waiver of examination.** Any applicant for a license as a certified court reporter may be granted a license by the board without an examination upon a showing that the court reporter is a holder of a valid National Court Reporters Association registered professional reporter certification.

C. **Court monitors.** If a trial or hearing is recorded by an audio recording device, such proceedings shall be recorded by a certified court monitor~~[-who is certified as qualified by the Board Governing the Recording of Judicial Proceedings. In such cases, that recording shall serve as the transcript unless otherwise ordered by the court].~~

D. **Oath.** Certified court reporters may administer oaths to witnesses in judicial proceedings anywhere in this state.

[As amended, effective December 1, 1993; March 15, 1995; February 16, 2004; as amended by Supreme Court Order No. 08-8300-050, effective December 31, 2008; as amended by Supreme Court Order No. _____, effective _____.]

22-206. Official court monitors and court reporters~~[and court monitors]~~; appointment; duties; records; termination of contract.

A. **Appointment.** ~~[Subject to Rule 22-301 NMRA, each]~~Each district court may appoint official court monitors or official court reporters~~[-or court monitors]~~. The Supreme Court or the district court may, by order, approve pooling by court monitors and court reporters~~[-and monitors]~~ within a judicial district under the supervision of a managing court monitor or managing court reporter who shall be responsible for supervision of the court monitors and court reporters~~[-and court monitors]~~ within the district. ~~[A]~~ Neither a contract court monitor nor a contract court reporter shall [not] serve as a managing court monitor or managing court reporter.

B. **Court monitor duties.** Official court reporters may also serve as official court monitors ~~[and record judicial proceedings in those cases in which an audio recording is permitted]~~ and shall comply with all court rules and directions and all board-approved manuals in preparing the ~~[tape or]~~ audio logs.

C. **Office.** The official court monitor or official court reporter~~[-or court monitor]~~ shall be provided with the office space, equipment and supplies necessary for the reporting or recording of judicial proceedings as well as the necessary equipment for transcription of the judicial proceedings. The use of state-owned equipment and supplies and state-employed personnel for free-lance reporting or recording is prohibited.

The provision of necessary office space, equipment and supplies shall be subject to standardized contract approved by the Supreme Court with official court monitors and official court reporters who perform services under contract.

D. **Records.** If stenographic notes~~[-, computer or audio tapes]~~ or ~~[other]~~ audio recordings containing the record of judicial proceedings and evidence taken by an official court monitor or official court reporter~~[-or court monitor]~~ are to be transcribed, a copy of the record, in American Standard Code of Information Interchange ("ASCII") format, shall be filed with the court clerk of the court in which the proceeding is docketed. The audio record shall be stored on~~[a compact disc capable of being read or accessed on a CD-ROM which meets ISO 9660 standards or on other]~~ data storage media used by the courts. Video recordings ~~[tapes]~~ filed with the court shall be in a format used by the courts. The maintenance, storage, distribution and reproduction of such notes, ~~[tapes,]~~ records, ~~[disks, discs]~~ and documents, including all exhibits and other evidence, shall be handled in the manner prescribed by the judicial district~~[-the Administrative~~

~~Office of the Courts~~]. Disposition of such records shall be in accordance with the disposition schedules approved by the records retention and disposition schedule approved by the Supreme Court.

E. **Termination of employment.** Official court reporters leaving employment with the district court are to have all stenographic or electronic notes numerically logged by date and deposited with the court clerk prior to leaving. Official court~~[Court]~~ monitors leaving employment with the district court are to have all audio recordings and logs bound by date and deposited with the court clerk prior to leaving. All district court cases stenographically taken are to be stored on ~~[disks or on other]~~ data storage media used by the courts and filed with the district court clerk before departure. An ASCII backup of the reporter's dictionary shall be stored with the district court clerk.

All ~~[disks,]~~ stenographic notes and ~~[tapes or other]~~ recordings of district court cases are the property of the district court.

Upon termination from district court employment, the court monitor or court reporter~~[-or monitor]~~ shall leave a current telephone number and address with the district court clerk and the court administrator. It is the court monitor's or court reporter's~~[-or monitor's]~~ responsibility to inform the district court clerk of changes of address or telephone number. Arrangements for transcript production by court reporters no longer employed with district court shall be made through the district court clerk.

When the court monitor or court reporter is unavailable, the court administrator shall make arrangements for production of the transcripts pursuant to the Rules of Appellate Procedure.

Transcripts produced after termination of employment shall be produced at the prevailing compensatory rate set by these rules.

F. **Other duties.** Any time that an official court monitor or official court reporter~~[-or court monitor]~~ is not required to take proceedings, or prepare transcripts of official judicial proceedings in indigent cases or for court use, or other specific duties assigned by the chief judge, presiding judge, court administrator or managing reporter, the court monitor or court reporter~~[-or court monitor]~~ may be assigned other court duties as required by Section 34-6-20 NMSA 1978, unless the court monitor or court reporter~~[-or court monitor]~~ has been granted approved leave. The chief judge, presiding judge, court administrator or managing reporter of the district court shall have the authority to reassign temporarily the official court monitor or official court reporter~~[-or court monitor]~~ within the judicial district to act as a court monitor or court reporter~~[-or monitor]~~ for another judge or to perform duties required by Subsection B of Section 34-6-20 NMSA 1978.

G. **Outside reporting.** Subject to the licensing requirements of these rules, an official court monitor or official court reporter~~[-or court monitor]~~ may engage in outside reporting or recording duties if the following criteria are met:

(1) the chief judge, presiding judge, court administrator,~~[-or]~~ managing court monitor, or managing court reporter has given express authorization;

(2) the court monitor's or court reporter's~~[-or monitor's]~~ official work is caught up and no transcripts are being prepared in which an extension of time has been granted by any court; and

(3) the court monitor or court reporter~~[-or monitor]~~ has been authorized to take annual leave during the time the outside work is scheduled unless:

(a) the outside work is scheduled during hours that the court is not open for business; or

(b) the court monitor or court reporter~~[or monitor]~~ has been granted time off in compensation for overtime previously worked.

[Adopted, effective January 1, 1983; as amended, effective December 1, 1993; February 16, 2004; as amended by Supreme Court Order No. _____, effective _____.]

22-301. Recording of judicial proceedings; transcripts.

~~[A.—~~ **Certification.** ~~Transcripts of all judicial proceedings shall be signed and certified by a New Mexico certified court reporter or court monitor. The certified court reporter or court monitor who physically reports a judicial proceeding shall sign and include the court reporter's or court monitor's certification number on the original transcript of the judicial proceeding. The form of certification required is established by the Board Governing the Recording of Judicial Proceedings.]~~

~~[B.]~~ **A. Transcripts.** The transcript is the audio recording of the judicial proceeding by a certified court monitor, unless a certified court reporter is authorized to stenographically report the record of the judicial proceeding, in which case the certified court reporter's record is the transcript.

~~[Except as provided in these rules, certified court reporters shall stenographically report the record of judicial proceedings. If a transcript is requested or designated, a certified court reporter licensed by the board under Rule 22-202 NMRRA shall transcribe, process, bill for, certify and deliver the record of all judicial proceedings, unless:~~

~~(1) — the district court has insufficient funds in its budget to pay for stenographic transcripts in indigent cases as determined by the chief judge; or~~

~~(2) — a certified court reporter is not available.~~

~~If the district court does not have sufficient funds to pay for transcripts in indigent cases, such cases may be recorded by a recording device used by the courts. In non-indigent criminal cases, the court reporter may stenographically report the proceedings at the request of counsel and district court approval. All other taped or audio recorded judicial proceedings may be stenographically reported at the request of counsel and approval of the district court judge. If the district judge has appointed a court monitor, the record of all judicial proceedings before that judge shall be recorded by a recording device used by the courts.~~

~~Upon appointment of a district judge or upon filling the vacancy of a district judge's court monitor, the judge shall hire a certified court reporter if one is available.]~~

B. Certification. If the certified court reporter's record of the judicial proceeding is the transcript, the transcript shall be signed and certified by the certified court reporter, who shall include the certified court reporter's certification number on the transcript of the judicial proceeding. The form of certification required is established by the board.

C. Record proper. Except depositions, as provided in this paragraph, the record proper (court file), including the cover page and indices thereto, shall be prepared and reproduced by the clerk of the district court. Depositions shall be forwarded to the appellate court in their original form if they have been filed in the record proper or read into open court. If they are read in open court, the certified court monitor or certified court reporter ~~[court reporter or court monitor]~~ shall mark the entire deposition or excerpts as court exhibits and ensure the exhibits are filed with the appellate court regardless of request therefore.

[Adopted, effective November 29, 1978; as amended, effective July 1, 1979; as renumbered and amended effective January 1, 1983; as amended, effective May 1, 1983; January 1, 1987;

December 1, 1993; February 16, 2004; as amended by Supreme Court Order No. _____, effective _____.]

22-302. Transcript; format.

A. **Transcript; format.** All transcripts [~~including compressed transcripts,~~] of judicial proceedings shall be prepared in compliance with the certified court monitors manual or certified court reporters manual.

B. **Forms manual.** The respective forms manual prepared and modified by the board is mandated as the model to be followed by all certified court monitors and all certified court reporters.

[As amended, effective December 1, 1993; February 16, 2004; as amended by Supreme Court Order No. _____, effective _____.]

22-303. Audio recording of judicial proceedings.

A. **[Official record] Procedure for recording, transmitting, and storing.** [~~When an audio recording is authorized to be used for the creation of the official record of any judicial proceeding, the~~]The following procedures shall be followed by the certified court monitors in recording the proceedings, storing the audio recording and making copies of the recording.

(1) A separate [~~master tape or other~~] audio recording may be used for each case. The [~~tape or other~~] recording shall be at all times be kept secure in the court clerk's office. If more than one case is to be included on a master [~~tape or other~~] recording, a cross-reference system shall be developed by the judicial district, which will assure that all proceedings in a case are easily located and available for purposes of an appeal or other judicial proceedings.

(2) On appeal, the [~~master (original)~~] audio recording [~~and two (2) copies of the master recording~~] and log shall be transmitted to the appropriate appellate court in accordance with the Rules of Appellate Procedure. [~~One (1) copy~~]The audio recording and log shall be retained in the court file until final disposition of the case. The log shall be [~~typewritten~~] prepared in accordance with the court monitors manual upon the filing of the notice of appeal and shall be filed with the district court clerk within ten (10) days after the filing of the notice of appeal.

[~~(3) — Upon final disposition of the appeal, the appellate court clerk may return the duplicates to the clerk of the district court for erasure and reuse.~~]

B. **Cases not appealed.** If the case is not appealed, the clerk of the district court shall retain the [~~master copy of the tape~~] audio recording in the [~~place and~~] manner approved by the Supreme Court.

[~~C. — Minimum standards for audio recordings. When an audio recording is authorized to be used for the creation of the official record of any judicial proceeding, the audio cassette tapes, discs or other media used to store the recording, shall be compatible with equipment used by the courts.~~]

[Adopted, effective January 1, 1983; as amended, effective December 1, 1993; February 16, 2004; as amended by Supreme Court Order No. _____, effective _____.]



New Mexico
Courts

Alyssa Segura <supams@nmcourts.gov>

[rules.supremecourt-grp] Public Comment on Proposal 2026-036 — Official Court Record and For the Record (FTR)

Scott Rapalee <qsgadgets@gmail.com>
Reply-To: qsgadgets@gmail.com
To: rules.supremecourt@nmcourts.gov

Tue, Mar 10, 2026 at 8:29 AM

Elizabeth A. Garcia, Chief Clerk of Court
New Mexico Supreme Court
P.O. Box 848
Santa Fe, New Mexico 87504-0848

RE: Public Comment on Proposal 2026-036 — Official Court Record and For the Record (FTR)

Dear Chief Clerk Garcia,

I write regarding Proposal 2026-036 and respectfully submit this comment for the Court's consideration before the April 5, 2026 deadline.

Court record integrity is central to the administration of justice. I write to inform the Court that in my direct experience, the official court record in the Tyler Technologies Odyssey Case Management System has been manipulated, and evidence submitted to the court has disappeared — facts documented by judicial admissions on the record.

EVIDENCE DISAPPEARING FROM THE COURT RECORD

In Case D-1215-CV-2022-00303, during the May 31, 2023 hearing before Judge Daniel A. Bryant, the court acknowledged that defense evidence existed in a court-managed Google Drive folder. At 1:21:08 PM, Judge Bryant stated on the record that the "COURT HAS FOLDER IN CONNECTION TO THIS CASE WHICH THE COURT HAS NOT OPENED." The court acknowledged possession of our evidence but had never reviewed it.

At the September 6, 2023 hearing, my wife Dolores Rapalee stated on the record at 2:07:37 PM: "DON'T UNDERSTAND WHERE OUR DOCUMENTS HAVE GONE TO; THERE IN VICKIS HANDS; WE'VE SENT POLICE REPORTS; DON'T UNDERSTAND WHY THEY DISAPPEAR; WE PUT IT ALL IN FRONT OF YOU BUT IT KEEPS DISAPPEARING." At 2:09:27 PM she stated: "EVIDENCE KEEPS DISAPPEARING OUT OF YOUR FILES; LOOK AT THE PAPERS WE JUST SENT IN; DON'T UNDERSTAND WHY YOU DON'T HAVE THEM NOW."

The court acknowledged our evidence existed in May 2023. By September 2023, it had vanished. Judge Bryant then denied our motions as if the evidence never existed. These statements are preserved in the official audio log notes for both hearings.

ADMINISTRATIVE MANIPULATION OF THE ODYSSEY SYSTEM

Beyond disappearing evidence, the Odyssey system itself has been used to impose unauthorized administrative restrictions on court records. Event Code 8735, "SUPPLEMENTAL INFORMATION (HABITUAL)," was placed on my party-level record (Party ID 10943274, Person ID 5155924) without any court order, notice, hearing, or legal authority. The AOC confirmed on February 18, 2026 via IPRA response that no legal authority exists for this event code.

Tyler Technologies support confirmed the tag's existence on January 19, 2026 (Ticket #1266541). Tyler's legal department denied the tag existed the following day. Five JID service desk tickets about this restriction were moved to "Legal Hold" by AOC employee Jason Singer without certified authority.

This restriction is not reflected in any court order. It exists only in the administrative layer of the Odyssey system — invisible to the litigant, invisible to reviewing courts, but effective in blocking court access statewide.

RECOMMENDATIONS

Any rule governing the official court record should address:

- (a) The integrity of electronic case management systems, including Tyler Technologies Odyssey, as components of the official court record subject to audit and oversight.
- (b) A prohibition on administrative event codes or party-level restrictions that are not supported by a filed court order with proper notice and due process.
- (c) A mechanism for litigants to challenge discrepancies between the official court record and the administrative metadata attached to their party records in the case management system.
- (d) Preservation requirements for court-managed evidence repositories, including cloud-based folders, to prevent the disappearance of submitted evidence documented in this case.

If the official court record can be manipulated through administrative database entries that no rule governs, then no rule governing the court record has meaning.

This comment is submitted for the public record.

Respectfully,

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Referenced: D-1215-CV-2022-00303; Audio Log Notes dated 5/31/2023 and 9/6/2023; Tyler Technologies Ticket #1266541; AOC IPRA Response dated 2/18/2026; JID Incidents #952039, #953276, #953531, #953536, #954012

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