



IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

**STATE OF NEW MEXICO ex rel.
RAÚL TORREZ, Attorney General,**

Plaintiff-Applicant/Respondent,

**Supreme Court No. S-1-SC-41418
Ct. App. No. A-1-CA-42633
Dist. Ct. No. D-202-CV-2024-04027**

v.

**KATINA WATSON, in her official
capacity as Records Custodian for the
Second Judicial District Court,**

Defendant-Respondent/Applicant.

DEFENDANT-RESPONDENT/APPLICANT'S BRIEF IN CHIEF

**COA Order Certifying to the New Mexico Supreme Court: June 17, 2025
Order Denying Defendant's Motion for Judgment on the Pleadings: February 10, 2025
Second Judicial District Honorable Fracis J. Mathew**

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ORAL ARGUMENT REQUESTED: Pursuant to Rule 12-319(B)(1) NMRA, Defendant-Respondent/Applicant Katina Watson requests oral argument on this appeal.

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STATEMENT OF COMPLIANCE

This Brief in Chief was prepared utilizing Word, Microsoft Office 365. The body of this Brief in Chief is less than 35 pages and was prepared using 14-point Times New Roman, a proportional-spaced typeface. In addition, the body does not exceed 11,000 words. Defendant-Respondent/Applicant certifies that this Brief in Chief complies with NMRA 12-305, 12-318 and 12-502.

SUMMARY OF PROCEEDINGS

I. Nature of the Case.

This case, while procedurally complex, poses a straight forward legal question for this Court to answer: whether the New Mexico Supreme Court has the authority to control the administrative functions of the judiciary, including records management and administration.

Katina Watson as Records Custodian for the Second Judicial District Court (the “SJDC”) purports that there is an on-point answer pursuant to the New Mexico Constitution, N.M. Const. art. VI, § 3, and that answer is yes. Here, the New Mexico Supreme Court Order No. 22-8500-034 (“Supreme Court Order”) orders that all pretrial services files remain confidential and are exempt from being designated as a public record. Ms. Watson is required to follow New Mexico Supreme Court orders regarding records management and administration and had no option but to deny the records requests. While Plaintiff has made clear that he does not agree with the

Supreme Court’s Order, and apparently that his position is that the Supreme Court cannot administer the judicial branch of government in this way, Ms. Watson, as an employee of the judiciary, remains bound to follow this Court’s Order. For Ms. Watson, this is not a matter of policy or preference, but compliance with this Court’s unambiguous directive.

This litigation stems from two Inspection of Public Records Act (“IPRA”) requests made in 2024 to Katina Watson as Records Custodian for the SJDC. Ms. Watson responded that certain requested records were exempt from IPRA because, pursuant to NMSA 1978, § 31-3-12 (2022) and New Mexico Supreme Court Order No. 22-8500-034 (“Supreme Court Order”), they are not a part of any public record. [RP 6, 8 at ¶¶ 19, 27]. The records requests were made by journalists Larry Barker and Ryan Laughlin who each sought “documents related to pretrial services and GPS device violations from SJDC.” [RP 5 at ¶ 15]

Mr. Barker submitted the following request to the SJDC on November 15, 2023:

All alerts from GPS devices to Pretrial Services AND all notifications to the Court and the District Attorney from Pretrial Services including, but not limited to, correspondence, memoranda, notices, reports, emails, texts, call details, desk notes, case notes, pleadings, or any information including alerts, related to GPS violations for crossing, entering, or exiting inclusion and/or exclusion zones and/or tampering with GPS devices and/or system notifications from the GPS devices. [RP 5 at ¶ 16]

The SJDC responded to Mr. Barker on January 29, 2024, citing Section 31-3-12 and stating “global positioning system data with respect to a defendant on pretrial release shall not be made part of any public record unless admitted as evidence at a criminal trial.” [RP 6 at ¶ 19] The SJDC’s response also cited the Supreme Court Order stating, “*all* information contained in a defendant’s pretrial services file, including GPS data, shall not be made a part of any public record....” Id. (emphasis in original)(internal quotations omitted). Further, the SJDC stated that records responsive to Mr. Barker’s request had been located and that those records would be provided to him as a rolling production. Id.

On April 24, 2024, Ryan Laughlin requested the following from SJDC:

All alerts from GPS device violations, including which agency was alerted, how they were alerted, and when, from January 1 through April 24, 2024. [RP 8 at ¶ 26]

The SJDC responded to Mr. Laughlin on May 9, 2024, stating that pursuant to Section 31-3-12, “those records are exempted from IPRA,” and citing the Supreme Court Order which stated that “all information contained in a defendant’s pretrial services file” is exempt from IPRA. [RP 8 at ¶ 27]

II. Course of Proceedings.

Thereafter, on May 15, 2024, New Mexico Attorney General Raúl Torrez (“Plaintiff”) initiated an IPRA enforcement action against SJDC alleging that “in refusing to produce” records “related to pretrial services and GPS device violations,”

the SJDC wrongly relied upon the language in Section 31-3-2 and in the Supreme Court Order, that SJDC’s reliance on Section 31-3-12 and the Supreme Court Order “was unreasonable and improper,” and noting that the Supreme Court Order “violates IPRA.” [RP 5, 8, 13-18 at ¶¶ 15, 25, 44-47, 50, 51, 52, 53, 56, 59, 62]

On September 26, 2024, SJDC sought dismissal of all claims in Plaintiff’s IPRA enforcement action seeking judgment on the pleadings on the grounds that Plaintiff was precluded, as matter of law, from challenging the validity of the Supreme Court Order and from presenting arguments challenging its constitutionality. [RP 72, 77-79] SJDC also sought dismissal on the grounds that Plaintiff failed to state a claim under IPRA because the records requested are not public records and are exempt. [RP 72, 79-85] Plaintiff filed a response to the motion on October 15, 2024, and SJDC filed its reply on October 30, 2024. [RP 107-127, 181-190]

III. Disposition in Courts Below.

Subsequently, at the January 24, 2025, hearing on SJDC’s motion for judgment on the pleadings, the District Court observed that, “it’s not for this court to decide the appropriateness or the validity of a supreme court order, that right belongs to the supreme court not to a district court.” The District Court therefore denied SJDC’s motion for judgment on the pleadings but agreed to include language in its written order that would allow the SJDC to file an interlocutory appeal. The District Court’s

written order entered on February 10, 2025, denied the SJDC's motion, finding as follows:

1. The New Mexico Supreme Court Order No. 22-8500-034 ("NMSC Order") is a basis for good-faith denial by a records custodian under the Inspection of Records Act, NMSA 1978, §§ 14-2-1 to 12 (1941, as amended through 2023)("IPRA"), but Plaintiff has the right to bring this action for the purpose of testing the breadth of the NMSC Order under IPRA.
2. Plaintiff further has a right to bring this action to test the good-faith basis of a record custodian's denial of an IPRA request.
3. Examination of the question raised by Plaintiff as to whether Defendant properly denied the IPRA requests at issue in this case may require an evidentiary hearing of some sort.
4. As a result of these above findings, dismissal at this point would not be appropriate.
5. Although the parties contest whether Plaintiff asks this Court to opine on the appropriateness or validity of the NMSC Order, to the extent such a request is present, it would not be for this Court to make a determination. The right to decide on the appropriateness or validity of a New Mexico Supreme Court order would belong to the New Mexico Supreme Court, not to a district court. [RP 337-340]

The Court's order also provided for interlocutory appeal and review, certifying the following questions of law:

- a. Does the district court have the authority to determine whether a record custodian properly interpreted a NMSC Order;
- b. Does the NMSC Order provide a valid exception under NMSA 1978, Section 14-2-1(L)(2023) that authorizes/permits a records custodian to determine that all pre-trial services files remain confidential and, as such, permit the records custodian to issue a blanket denial of an IPRA Request, and;

- c. If so, does the records custodian still have a legal obligation to produce documents, separated and redacted as appropriate, that are responsive to the request. [RP 338-39]

The SJDC filed a timely application for interlocutory appeal to the New Mexico Court of Appeals, which was granted. Thereafter, the Court of Appeals issued an order of certification under Rule 12-606 to the New Mexico Supreme Court which was accepted on July 27, 2026, and the New Mexico Supreme Court ordered that the parties “shall address the issues as presented in their respective applications for interlocutory appeal filed in the Court of Appeals.”

ARGUMENT

THE DISTRICT COURT ERRED IN DENYING DEFENDANT’S MOTION FOR JUDGMENT ON THE PLEADINGS AS A MATTER OF LAW.

The district court certified three questions for appellate review, that are addressed here in turn. Ultimately, the district court erred in denying Defendant’s motion for judgment on the pleadings as Plaintiff’s complaint failed to state a claim upon which relief can be granted by law.

A. Standard of Review.

The district court’s decision to deny Defendant’s motion for judgment on the pleadings is reviewed *de novo*, using the same standard as is applied to a motion for failure to state a claim under Rule 1-012(B)(6). *Meyer v. Regents of Univ. of N.M.*, 2024 WL 3311335, *1, 2 (NMCA July 3, 2024); *Curry v. Great Northwest Ins. Co.*,

2014-NMCA-031, ¶ 9, 320 P.3d 482 (decision to deny motion to dismiss is question of law reviewed *de novo* requiring independent assessment of the record). A motion to dismiss tests “the legal sufficiency of the complaint, not the facts upon which it relies.” *Rubio v. Carlsbad Mun. Sch. Dist.*, 1987-NMCA-127, ¶ 5, 106 N.M. 446, 744 P.2d 919 (*citing Trujillo v. Puro*, 101 N.M. 408, 683 P.2d 963 (Ct.App.1984)).

A motion for judgment on the pleadings should be granted where, after accepting all well-pleaded factual allegations in the complaint as true, a complaint fails “to state a claim upon which relief can be granted” and plaintiff is not entitled to recover under any theory of the facts as alleged. *Delfino v. Griffio*, 2011-NMSC-015, ¶ 9, 150 N.M. 97, 257 P.3d 917 (dismissal appropriate where “claim asserted is legally deficient”).

B. The district court correctly ruled that the right to decide the appropriateness or validity of a New Mexico Supreme Court order belongs to the New Mexico Supreme Court, not the district court.

i. Preservation

First question in the interlocutory appeal.

ii. Argument

The district court found:

Although the parties contest whether Plaintiff asks this Court to opine on the appropriateness or validity of the NMSC Order, to the extent such a request is present, it would not be for this Court to make a determination. The right to decide on the appropriateness or validity of a New Mexico Supreme Court order would belong to the New Mexico Supreme Court, not to a district court. [RP 337-340]

The validity of the Supreme Court Order that should be made directly to the New Mexico Supreme Court. *State v. Bently*, 2023 WL 8098645, *6 (NMCA Nov. 21, 2023)(lower court “precluded from reviewing arguments challenging the constitutionality or validity of New Mexico Supreme Court orders”)(citing *Alexander v. Delgado*, 1973-NMSC-030, ¶ 9, 507 P.2d 778); *State v. Stelle*, 2023-NMCA-053, ¶ 3, 534 P.3d 986 (explaining to the extent that the defendant’s “arguments challenge the propriety or legality of the Supreme Court Order, we could decline to entertain such an inquiry as it should instead be directed to our Supreme Court.”). Thus, this matter is now properly before the Supreme Court for a decision on the validity of the NMSC Order.

C. The Supreme Court has the authority to administratively supervise the judiciary, including records management and administration; thus, the NMSC Order provides a valid exemption or exception under NMSA 1978, Section 14-2-1(L) (2023) that requires a records custodian to exempt or except all pretrial services files as confidential.

i. Preservation

Second question in interlocutory appeal.

ii. Argument

a. Plaintiff’s allegations challenge validity and constitutionality of Supreme Court Order.

Plaintiff alleged that in responding to the records requests, the SJDC relied in part on the Supreme Court Order in “refusing” to produce certain documents. [RP 6, 8-9, 16, 18 at ¶¶ 19a, 25, 27b, 52, 53, 61, 62)] Plaintiff specifically alleges that the

Supreme Court Order “violates IPRA” and that the SJDC’s reliance on the Supreme Court Order is “misplaced” and “unreasonable and improper.” [RP 14, 16, 18 at ¶¶ 47, 52, 53, 61, 62]

Plaintiff further alleges that “on September 2, 2022, the Supreme Court issued Order No. 22-8500-034,” establishing the procedures for implementing NMSA §31-3-12, but that “Order No. 22-8500-034 does not stop at implementing Section 31-3-12,” and is “a clear departure from Section 31-3-12 [...]” [RP 11 at ¶¶ 35, 36] Plaintiff then alleges that “[t]he Supreme Court went beyond Section 31-3-12 by designating all information in a PTS file as ‘confidential,’ [and that] by expanding the exemption identified in Section 31-3-12, the Order limits the substantive rights of people provided by IPRA and expands the substantive rights of public entities to not be held accountable for their actions as they pertain to charged individuals who are on pretrial release.” [RP 13-14 at ¶¶ 44, 45] (“The Order’s expansion constitutes an enlargement of a substantive right or law.”).

After citing caselaw for the proposition that “the Supreme Court may not ‘abridge, enlarge, or modify substantive rights or law,’” Plaintiff then alleges that “[i]n this context, the Order represents a massive departure,” and “[a]s a result, the Order violates IPRA.” [RP 14-15 at ¶¶ 46, 47] These allegations unambiguously challenge the validity and constitutionality of a Supreme Court order as the allegations assert that the Supreme Court Order is an improper “enlargement or modification of a

substantive right or law” and the order is an improper exercise of power reserved to the Legislature. *Id.* ¶¶ 45, 46. Moreover, Plaintiff admitted in briefing before the District Court that it challenges the validity of the Supreme Court Order, stating “the State indeed contends that the Order exceeds the scope of IPRA.” [RP 108]¹

- b. The Supreme Court has the authority to administratively supervise the judiciary, including issuing binding orders on records management and administration.

The New Mexico Supreme Court has broad authority to oversee the administration of the judiciary via court orders. The New Mexico Supreme Court “shall have superintending control over all inferior courts”. N.M. Const. art. VI, § 3. This constitutional provision gives the Supreme Court authority “to perform administrative functions and render administrative decisions as to all courts of the State.” *Russillo v. Scarborough*, 727 F.Supp 1402, 1409 (D.N.M. Dec. 20, 1989), *aff’d Russillo v. Scarborough*, 935 F.2d 1167 (10th Cir. 1991). The Supreme Court frequently provides administrative oversight through court order, including on matters regarding records retention, management, and confidentiality. *See, e.g.,*

¹ Plaintiff attempted to qualify this contention, asserting that the alleged invalidity of the Supreme Court Order does not form the “basis for the relief requested in any of the Counts set forth in the State’s Complaint.” [RP 108] But the allegations show that Plaintiff indeed seeks a declaration that the SJDC improperly denied the IPRA request, in part based upon reliance upon the Supreme Court Order. [RP 18] Plaintiff cannot amend its complaint via motion practice; if Plaintiff wishes to change its allegations, it must amend its complaint through Rule 1-015 NMRA. Plaintiff has not moved to do so.

Supreme Court Order No. 18-8500-015, *In the Matter of Juror Privacy Concerns* (November 1, 2018) (ordering all juror qualification and questionnaire forms to be confidential); Supreme Court Order No. S-1-AO-2023-00010, *In the Matter of the Work of the Courthouse Security Committee* (June 27, 2023) (ordering that the records created from the Courthouse Security Committee are “hereby confidential”); Supreme Court Order No. S-1-AO-2024-00015, *In the Matter of the New Mexico Judiciary’s Statewide Policy for the Electronic Scanning and Destruction of Paper Court Case Records* (April 4, 2024) (ordering that the “New Mexico Judicial Branch has control over its own records and judicial entities do not need approval for the destruction of court records outside of the guidelines established by this Court”); Supreme Court Order No. S-1-AO-2026-00025 *In the Matter of the Approval of Policy on Access to For the Record Real-Time Transcripts* (July 21, 2026) (ordering Real-Time FTR to be sealed and not subject to public disclosure).

The issuance, implementation, and enforcement of these orders is a cornerstone of the Supreme Court’s authority to manage the judicial branch. *See State v. Serna*, 2013-NMSC-033, ¶ 14, 305 P.3d 936, 940 (the Supreme Court’s “plenary authority to regulate procedure stems from our constitutional power of ‘superintending control over all inferior courts. N.M. Const. art. VI, § 3”). Issuing an order, such as the NMSC Order at issue here, defining the management, administration, and confidentiality of records maintained by district courts is well within the Court’s authority. The New

Mexico Supreme Court is authorized and has historically used court orders to designate court records confidential and not subject to public disclosure.

New Mexico precedent confirms that the Court exercises its constitutional superintending authority through administrative orders as well as through rules and decisional opinions. *District Court of Second Judicial District v. McKenna*, 1994-NMSC-102, ¶ 3, 118 N.M. 402, 881 P.2d 1387 (recognizing that the Court exercises its superintending authority “by issuing administrative orders”). The Court recently applied that authority in the records-management context, explaining that the form and manner of creating court records are procedural matters within the Court’s rulemaking power and enforcing an administrative order requiring the metropolitan court to record proceedings. *Padilla v. Torres*, 2024-NMSC-007, ¶¶ 28, 31, 34, 548 P.3d 31. Thus, an administrative order governing the management and confidentiality of records maintained by district-court pretrial-services programs is within the Supreme Court’s authority over the judiciary.

- c. The NMSC Order provides a valid exemption or exception under NMSA 1978, Section 14-2-1(L) (2023) that requires a records custodian to exempt or except all pretrial services files from production.

NMSA 1978, Section 14-2-6(H) defines “public records” as “all documents, papers, letters, books, maps, tapes, photographs, recordings and other materials, regardless of physical form or characteristics, that are used, created, received, maintained or held by or on behalf of any public body and relate to public business,

whether or not the records are required by law to be created or maintained.” NMSA 1978, Section 14-2-1(2023) lists various exceptions to inspection under IPRA, including a “catch-all” exception which provides that “[e]very person has a right to inspect public records of this state except: . . . as otherwise provided by law.” *Id.* (L).² Here, the NMSC Order defines all PTS Records as *not public record records*, therefore exempting them from IPRA entirely. In the alternative, the NMSC Order provides an exception under Section 14-2-1(L) (2023).

The NMSC Order states: “PTS Records, including GPS data, shall not be made a part of any public record unless admitted as evidence during an evidentiary hearing for an alleged violation of conditions of release under Rule 5-403 NMRA or during a criminal trial. *See* NMSA 1978, § 31-3-12 (2022)”, and “[a]s a general rule, PTS Records are confidential.” The NMSC Order defines “Pretrial services supervision records” (“PTS Records”) as “all information contained in a defendant’s pretrial services file maintained by the local pretrial services program, except for the initial pretrial services report with release recommendation and any other report or notification concerning compliance that is filed into the court record.”

The NMSC Order defines pretrial services records as not public records, thereby exempting all pretrial services records from disclosure under IPRA. It is well

² Section 14-2-1 was amended in 2025. This brief cites to the 2023 version, which was in effect at the time of the request.

established that court orders can provide an exception or exemption to IPRA. *See Dunn v. Brandt*, 2019-NMCA-061, ¶ 9, 450 P.3d 398, 402 (holding that the denial of the plaintiff's request did not violate IPRA because the district court order prohibited disclosure). The only way Defendant could have read the NMSC Order is that PTS Records are not public records and are confidential. Reading and/or interpreting the NMSC Order any other way would violate this Court's Order.

- d. Ms. Watson correctly applied the NMSC Order to the two IPRA requests, requiring denial of the same.

A public body may properly deny a records request where there is a “reasonable, good-faith belief” that the record either does not qualify as a public record to be included under IPRA or that the record is within one of IPRA's enumerated exemptions.” [RP 74] (*citing Meyer v. Regents of Univ. of N.M.*, 2024 WL 3311335, *3 (NMCA July 3, 2024); *Britton v. Office of Atty Gen.*, 2019-NMCA-002, ¶ 31, 433 P.3d 320)]

Mr. Barker submitted the following request to the SJDC:

All alerts from GPS devices to Pretrial Services AND all notifications to the Court and the District Attorney from Pretrial Services including, but not limited to, correspondence, memoranda, notices, reports, emails, texts, call details, desk notes, case notes, pleadings, or any information including alerts, related to GPS violations for crossing, entering, or exiting inclusion and/or exclusion zones and/or tampering with GPS devices and/or system notifications from the GPS devices. [RP 5 at ¶ 16)]

Ryan Laughlin requested the following from SJDC:

All alerts from GPS device violations, including which agency was alerted, how they were alerted, and when, from January 1 through April 24, 2024. [RP 8 at ¶ 26)]

These requested records from Mr. Barker and Mr. Laughlin fall squarely into the protection of the NMSC Order that states: “*all* information contained in a defendant’s pretrial services file, including GPS data, shall not be made a part of any public record....” Accordingly, Ms. Watson explained that the records were confidential and started producing any records that were part of the public record already under the NMSC Order.

Plaintiff’s apparent contention that judicial branch employees should be subject to civil liability if they decline to disregard a Supreme Court Order would set a dangerous precedent and invade this Court’s long-established authority to control the administration of all state courts. In *Russillo v. Scarborough*, it was established that the Supreme Court has authority to direct the termination of an inferior court employee. Plaintiff’s positioning in this matter amounts to a declaration that if he disagrees with a Supreme Court Order, judiciary employees should follow his policy preference, not this Court’s Order. The functional result is that court employees must choose between subjecting themselves to litigation initiated by the Attorney General or employment consequences from the Supreme Court. The implications of this catch-22 scenario to the separation of powers doctrine cannot be overstated.

Because the allegations are that the SJDC – as a records custodian – relied upon the Supreme Court Order in responding to the records requests, and because the District Court specifically found that the Supreme Court Order “is a basis for good-faith denial” of a records request under IPRA, the SJDC did not violate IPRA as a matter of law and the enforcement action should have been dismissed with prejudice.

D. The records custodian, in this case and in every IPRA matter, has an obligation to review, separate, and redact as appropriate responsive non-exempt records. Defendant did that here, as permitted by law.

i. Preservation

Third question in the interlocutory language.

ii. Argument

Records custodians have a duty to review and separate exempt and nonexempt records prior to production. NMSA 1978, Section 14-2-9(A) (2013) provides “[r]equested public records containing information that is exempt and nonexempt from disclosure shall be separated by the custodian prior to inspection, and the nonexempt information shall be made available for inspection.” This Court recently reaffirmed this procedure in *Albuquerque Journal v. Board of Education of Albuquerque Public Schools*, --- P.3d ---, 2026 WL 1492129, whereby this Court held that Section 14-2-9(A) requires records custodians to review the requested records, separate information that is excepted from disclosure from that which is not and provide the non-excepted information for inspection. *Id.* ¶ 28.

Defendant understands this process, and in fact, attempted to produce the publicly available records to Mr. Barker before he asked her to stop. [RP 75] This is not a situation whereby there was a blanket denial. Instead, the records custodian went through the records and separated exempt and nonexempt material to provide the requester with the available records. [RP 76] The only public PTS records Defendant can provide to any requester are records “admitted as evidence during an evidentiary hearing for an alleged violation of conditions of release under Rule 5-403 NMRA or during a criminal trial.” [RP 90] That is to say, all records existing in the PTS file are exempt from public disclosure. Here, there is no analysis of whether a communication is privileged or whether a Section 14-2-1 enumerated exception applies; this Court’s Order makes clear all PTS Records are confidential.

The NMSC Order litigated here is notably different from the records in *APS* and *Jones*. Here, the NMSC Order defines all PTS records – records contained in a defendant’s PTS file – as not part of a public record. This is different from sorting through a personnel file for “matters of opinion”, *see APS*, or from sorting through law enforcement records for confidential sources, *see Jones*. Instead, here, the Supreme Court has already defined *all* of the requested records as exempt under IPRA.

There is no need for Plaintiff to “test the breadth” of the Supreme Court Order. Understanding this to mean that the Plaintiff wishes to determine whether there are

applicable exceptions to the scope of the Supreme Court Order, the very terms of the Order answer that question without need for further testing.

The Order clearly states that everything in a pre-trial services file is confidential and shall not be made part of a public record, except for the initial pretrial services report with release recommendation and any other report or notification concerning compliance that is filed into the court record. When Ms. Watson began producing records falling within those categories to Mr. Barker, it was Mr. Barker who told her to stop. The Order allows otherwise confidential records to become public records if admitted as evidence at an evidentiary hearing on release conditions or at a criminal trial. Plaintiff has not alleged or identified any records admitted as evidence that were wrongfully withheld from disclosure. Simply stated, Plaintiff is seeking to probe the Order for a gap that does not exist. The records requested by Barker and Laughlin are not public records which are squarely covered by the Supreme Court Order.

CONCLUSION

The SJDC is required by law to comply with the Supreme Court Order which, by its terms, specifically “applies to New Mexico pretrial services supervision programs, including pretrial services supervision programs at New Mexico district courts.” [RP 88] The allegations are that the SJDC did rely upon the Supreme Court Order in responding to the records requests stating that the records are exempted from IPRA. The SJDC’s response to the records requests was in all respects proper under IPRA.

Dunn v. Brandt, 2019-NMCA-061, ¶ 10, 450 P.3d 398 (IPRA “denial in accordance with an enforceable court order can hardly be wrongful”). The district court erred in failing to grant judgment on the pleadings.

Defendant respectfully requests that this Court vacate the district court’s order denying the motion for judgment on the pleadings and remand this matter to the district court with instructions to dismiss all claims with prejudice.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of September, 2026, the foregoing was electronically filed with the Court and served on all counsel of record via the tylerhost system.

/s/ Jerry A. Walz
JERRY A. WALZ