12-202. Appeal as of right; how taken.

A. **Filing the notice of appeal.** An appeal permitted by law as of right from the district court shall be taken by filing a notice of appeal with the district court clerk within the time allowed by Rule 12-201 NMRA.

B. **Content of the notice of appeal.** The notice of appeal shall specify

(1) each party taking the appeal and each party against whom the appeal is taken, except that in appeals concerning children involved in litigation under the provisions of the Children's Code, the provisions of Rule 12-305(H) NMRA, shall be followed;

(2) the name and address of appellate counsel if different from the person filing the notice of appeal; and

(3) the name of the court to which the appeal is taken.

C. **Attachment to notice of appeal.** A copy of the judgment or order appealed from, showing the date of the judgment or order, shall be attached to the notice of appeal.

D. **Additional requirements for appeals in criminal cases.** In addition to the requirements set forth in Paragraphs B and C of this rule, the following are required, when applicable, with a notice of appeal in criminal cases:

(1) a notice of appeal by the state under NMSA 1978, Section 39-3-3(B)(2) [~~NMSA 1978~~] shall also include the certificate of the district attorney required by the statute;

(2) if the notice of appeal names the appellate division of the public defender as appellate counsel, a copy of the order appointing the appellate division of the public defender shall be attached to the notice of appeal; and

(3) if the appeal is an appeal taken from the district court in which a sentence of death or life imprisonment has been imposed, and the proceedings are not audio recorded, a designation of proceedings shall be filed at the same time as the notice of appeal in accordance with Rule [~~12-211(C)(5)~~] 12.211.1(C) NMRA.

E. **Service of the notice of appeal.** The appellant shall give notice of the filing of a notice of appeal

(1) in criminal cases, including those involving criminal contempt, and in delinquency cases, including those involving serious youthful offenders and youthful offenders, by serving a copy on the [~~appellate court, ~~]appellate division of the attorney general, appellate division of the public defender when the public defender is appointed on appeal, trial judge, trial counsel of record for each party other than the appellant, and court monitor or court reporter who took the record;

(2) in the following cases, by serving a copy on the trial judge, trial counsel of record for each party other than the appellant, children's court attorney for the Children, Youth and Families Department, and court monitor or court reporter who took the record:

(a) child abuse and neglect proceedings;

(b) proceedings involving the termination of parental rights; and

(c) cases arising under the Children's Code and governed by the Children's Court Rules other than delinquency cases[~~, by serving a copy on the appellate court, trial judge, trial counsel of record for each party other than the appellant, children's court attorney for the Children, Youth and Families Department, and court monitor or court reporter who took the record~~]; and

(3) in all other cases, by serving a copy on the ~~appellate court,~~ trial judge, court monitor or court reporter who took the record, and trial counsel of record for each party other than the appellant.

F. **Service on party.** If a party is not represented by counsel, service shall be made by mailing a copy of the notice of appeal to the party's last known address.

G. **Related appeals.** A party shall disclose any related or prior appeals of which the party is aware in any docketing statement or statement of the issues filed under [~~Rule~~] Rules 12-208 or Rule 12-208.1 NMRA. A party has a continuing obligation to alert the appellate court to any related appeals that come to the party's attention.

[As amended, effective September 1, 1993; September 15, 2000; as amended by Supreme Court Order No. 05-8300-003, effective March 15, 2005; by Supreme Court Order No. 06-8300-011, effective May 15, 2006; by Supreme Court Order No. 09-8300-020, effective September 4, 2009; as amended by Supreme Court Order No. 16-8300-011, effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No. 17-8300-022, effective for all cases pending or filed on or after December 31, 2017; as amended by Supreme Court Order No. S-1-RCR-2023-00005, effective for all cases filed on or after December 31, 2026.]

Committee commentary. — In 2016, the paragraph regarding joint and consolidated appeals was withdrawn from this rule, and a new Rule 12-317 NMRA was adopted to address joint and consolidated appeals.

In 2026, Paragraph E's requirement that the notice of appeal be served on the appellate court was removed. This requirement was removed because the appellate courts did not

find service useful with notices of appeal being easily accessed electronically. Some of the language in Subparagraph (E)(2) was also reordered for clarity.

[Adopted by Supreme Court Order No. 16-8300-011~~[, effective for all cases pending or filed on or after December 31, 2016~~]; as amended by Supreme Court Order No. S-1-RCR-2023-00005.]