

[WITHDRAWN]

1 ~~[5-829. Audio recordings of proceedings; appeals on the record.]~~

2 ~~—— A. **Audio recording of proceedings.** A audio recording and corresponding index log~~  
3 ~~shall be made of all criminal proceedings in which the metropolitan court is a court of record.~~  
4 ~~When an appeal on the record is specifically permitted by law, the audio recording and~~  
5 ~~corresponding index log shall be a part of the record on appeal. The audio recording shall be~~  
6 ~~included in the record on appeal only if the appeal is from a judgment finding the defendant guilty~~  
7 ~~of:~~

8 ~~—— (1) driving while under the influence of intoxicating liquors or drugs; or~~

9 ~~—— (2) “domestic abuse” of a “household member” as those terms are defined in~~  
10 ~~Section 40-13-2 NMSA 1978 of the Family Violence Protection Act.~~

11 ~~—— If the defendant appeals from the conviction of more than one offense one or more of which~~  
12 ~~is an on the record conviction and one or more of which is a de novo appeal conviction, the appeal~~  
13 ~~of all convictions shall be on the record. Unless the defendant appeals an on the record conviction,~~  
14 ~~the appeal shall be a de novo appeal even though the proceedings have been recorded.~~

15 ~~—— B. **Satisfactory arrangements.** At the time that the copy of the notice of appeal is~~  
16 ~~filed in the metropolitan court, the appellant shall make satisfactory arrangements for payment of~~  
17 ~~the cost of the transcript of proceedings. Payment for the cost of preparing copies of the transcript~~  
18 ~~of proceedings shall not be required if the appellant is the state or a defendant represented by a~~  
19 ~~public defender or counsel appointed by the court. Proof of satisfactory arrangements shall be~~  
20 ~~included with the record on appeal unless the appellant is the state or is represented by a public~~  
21 ~~defender or counsel appointed by the court.~~

22 ~~—— C. **Preservation of audio record.** Audio records containing the transcript of the~~  
23 ~~proceedings shall be preserved for ninety (90) days after the entry of a final order in the~~

**[WITHDRAWN]**

1 ~~proceedings. Any party desiring to preserve the audio record for a longer period of time may, prior~~  
2 ~~to the expiration of eighty (80) days after the filing of the final order, file a request to preserve the~~  
3 ~~audio record containing the transcript of the proceedings. A request to preserve the audio record~~  
4 ~~containing the transcript of the proceedings shall be accompanied by a designation of the portions~~  
5 ~~of the proceedings to be preserved and satisfactory arrangements for payment of the cost of~~  
6 ~~preparing the transcript of proceedings.]~~

7 [Adopted by Supreme Court Order No. 12-8300-018, effective for all cases pending or filed on or  
8 after August 3, 2012; withdrawn by Supreme Court Order No. 19-8300-004, effective June 14,  
9 2019.]