

1 **7-603.1. Order of trial.**

2 The order of trial shall be as follows:

3 A. a qualified jury shall be selected and sworn to try the case;

4 B. initial instructions as provided in Rule Set 14 NMRA, Uniform Jury Instructions -  
5 Criminal shall be given by the court;

6 C. the state may make an opening statement. The defense may then make an opening  
7 statement or may reserve its opening statement until after the conclusion of the state's case;

8 D. the state shall submit its evidence;

9 E. out of the presence of the jury, the court shall determine the sufficiency of the  
10 evidence, whether or not a motion for directed verdict is made;

11 F. the defense may then make an opening statement, if reserved;

12 G. the defense may submit its evidence;

13 H. the state may submit evidence in rebuttal;

14 I. the defense may submit evidence in surrebuttal;

15 J. at any time before submission of the case to the jury, the court may, for good  
16 cause shown, permit the state or defense to submit additional evidence;

17 K. out of the presence of the jury, the court shall determine the sufficiency of the  
18 evidence, whether or not a motion for directed verdict is made;

19 L. the instructions to be given shall be determined in accordance with Rule 7-609  
20 NMRA. The court shall then instruct the jury;

21 M. the state may make a closing argument;

22 N. the defense may make a closing argument;

23 O. the state may make a rebuttal argument.

**MAGISTRATE COURT CRIMINAL  
RULE 7-603.1  
[NEW MATERIAL]**

**Supreme Court Approved  
November 1, 2021**

1 [Adopted by Supreme Court Order No. 21-8300-020, effective for all cases pending or filed on  
2 or after December 31, 2021.]

3 **Committee commentary.** — This rule was added in 2021 to promote consistency in the  
4 framework within which a jury trial proceeds in New Mexico courts having criminal jurisdiction.  
5 *See* Rule 5-607 NMRA and the related committee commentary for more information; *see also*  
6 Rule 6-603.1 NMRA.

7 [Adopted by Supreme Court Order No. 21-8300-020, effective for all cases pending or filed on  
8 or after December 31, 2021.]