

1           **IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

2   **November 22, 2021**

3   **NO. 21-8300-032**

4   **IN THE MATTER OF THE SUSPENSION**  
5   **OF THE RULES GOVERNING CRIMINAL**  
6   **CONTEMPT PROCEEDINGS IN NEW**  
7   **MEXICO STATE COURTS**

8   **ORDER**

9           WHEREAS, this matter came on for consideration upon the request of the  
10 District and Metropolitan Judges Association to suspend the rules that establish  
11 procedures for criminal contempt proceedings in New Mexico state courts, including  
12 Rule 1-093 NMRA of the Rules of Civil Procedure for the District Courts, Rule 2-  
13 110 NMRA of the Rules of Civil Procedure for the Magistrate Courts, Rule 3-110  
14 NMRA of the Rules of Civil Procedure for the Metropolitan Courts, Rule 5-112  
15 NMRA of the Rules of Criminal Procedure for the District Courts, Rule 6-111  
16 NMRA of the Rules of Criminal Procedure for the Magistrate Courts, Rule 7-111  
17 NMRA of the Rules of Criminal Procedure for the Metropolitan Courts, Rule 8-110  
18 NMRA of the Rules of Procedure for the Municipal Courts, and Rule 10-169 NMRA  
19 of the Children's Court Rules;

20           WHEREAS, courts have inherent and statutory powers to preserve order and  
21 decorum and to impose punitive sanctions for criminal contempt of court, *see*

1 *generally Concha v. Sanchez*, 2011-NMSA-031, 150 N.M. 268, 258 P.3d 1060;  
2 NMSA 1978, § 34-1-2 (1851);

3 WHEREAS, criminal contempt proceedings must comport with constitutional  
4 due process; and

5 WHEREAS, the Court having considered the foregoing and being sufficiently  
6 advised, Chief Justice Michael E. Vigil, Justice C. Shannon Bacon, Justice David  
7 K. Thomson, Justice Julie J. Vargas, and Justice Briana H. Zamora concurring;

8 NOW, THEREFORE, IT IS ORDERED that Rules 1-093, 2-110, 3-110, 5-  
9 112, 6-111, 7-111, 8-110, and 10-169 NMRA are SUSPENDED until further order  
10 of the Court; and

11 IT IS FURTHER ORDERED that the Clerk of the Court is authorized and  
12 directed to provide notice of the suspension of the above-referenced rules on the  
13 Supreme Court's public website and in the *Bar Bulletin* and by publishing the same  
14 in the *New Mexico Rules Annotated*.

15 IT IS SO ORDERED.



WITNESS, the Honorable Michael E. Vigil, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 22nd day of November, 2021.

  
Jennifer L. Scott, Chief Clerk of the Supreme Court  
of the State of New Mexico