

LR1-302. Transport of persons in custody.

[Related to Statewide Rule 5-502 NMRA]

A. **Request for transport order.** The prosecution shall request ~~[for]~~ a transport order ~~[shall be made]~~ no later than five (5) ~~[working]~~ business days before the proceeding for which transport is sought unless a shorter time is allowed by the court. For inmates at out-of-county detention centers or jail facilities, the prosecution shall transmit an endorsed copy of the transport order to the transporting agency no later than two (2) business days before the proceeding for which transport is sought. For prisoners at New Mexico Corrections Department prisons, the prosecution shall transmit an endorsed copy of the transport order to the transporting agency no later than three (3) business days before the proceeding for which transport is sought.

B. **Contents of request for transport order.** The request for a transport order and proposed transport order shall address the following matters:

(1) the name of the person to be transported and, if known, that ~~[person's]~~person's date of birth and social security number;

(2) the agency designated to transport the person in custody to and from the proceeding, usually the ~~[Sheriff]~~ sheriff of the appropriate county;

(3) the place where the person is in custody;

(4) the nature of the district court proceeding for which transport is sought;

(5) the place, date, and time of the district court proceeding and, if known, the length of the proceeding;

(6) the requirement, if any, for civilian clothing; and

(7) ~~[a copy of the transport order shall be served on the transporting agency no later than three (3) working days before the proceeding unless a shorter time is allowed by the~~

LOCAL RULES
RULE LR1-302

Supreme Court Approved
November 1, 2022

1 ~~court. Where]~~ where circumstances require, a district court judge may modify the time
2 requirements of this local rule or may require transport on verbal order, provided that a written
3 transport order is served on the transporting agency and the custodian as soon as practicable
4 thereafter. In addition, if the transporting agency determines that a written transport order is not
5 required, then it may waive the requirements of this rule. Copies of transport orders need not be
6 certified unless certification is required by the transporting agency or the custodian of the person
7 to be transported.

8 [LR1-600 recompiled and amended as LR1-302 by Supreme Court Order No. 16-8300-015,
9 effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme
10 Court Order No. 22-8300-021, effective for all cases pending or filed on or after December 31,
11 2022.]