

1 **Rule 10-212. Joinder of [~~offenses~~] delinquent acts and parties; severance.**

2 **A. Joinder of [~~offenses~~] delinquent acts.** Two or more [~~offenses~~] delinquent acts
3 [~~may~~] shall be joined in a single petition alleging delinquency, with each allegation stated in a
4 separate count if the allegations[~~:~~]

5 (1) are of the same or similar character, even if not part of a single scheme or
6 plan; or

7 (2) are based on the same conduct or on a series of acts either connected
8 together or constituting parts of a single scheme or plan.

9 **B. Joinder of respondents.** A separate petition shall be filed for each respondent who
10 is a child alleged to have committed a delinquent act. Two or more respondents may be joined on
11 motion of a party, or by the filing of a statement of joinder by the state contemporaneously with
12 the filing of the petitions charging [~~such~~] the respondents[~~:~~]

13 (1) when each of the respondents is charged with accountability for each
14 [~~offense~~] delinquent act included;

15 (2) when all of the respondents are charged with conspiracy and some of the
16 respondents are also charged with one or more [~~offenses~~] delinquent acts alleged to be in
17 furtherance of the conspiracy; or

18 (3) when, even if conspiracy is not charged and not all of the respondents are
19 charged in each count, the several [~~offenses~~] delinquent acts charged[~~:~~]

20 (a) were part of a common scheme or plan; or

21 (b) were so closely connected in respect to time, place, and occasion
22 that it would be difficult to separate proof of one [~~charge~~] delinquent act from proof of others.

23 **C. Motion for severance.** If it appears that a respondent or the state is prejudiced by

1 the joinder of [~~offenses~~] delinquent acts or of parties by the filing of a statement of joinder for trial,
2 the court may order separate trials of [~~offenses~~] delinquent acts, grant a severance of respondents,
3 or provide whatever other relief justice requires. In ruling on a motion by a respondent for
4 severance, the court may order the state to deliver to the court for inspection in camera any
5 statements or confessions made by the respondents which the state intends to introduce in evidence
6 at the trial.

7 [As amended and recompiled, effective May 1, 1998; Rule 10-204.1 NMRA, recompiled and
8 amended as Rule 10-212 NMRA by Supreme Court Order No. 08-8300-042, effective January 15,
9 2009; as amended by Supreme Court Order No. 19-8300-020, effective for all cases filed on or
10 after December 31, 2019.]