

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

2 **April 10, 2020**

3 **NO. 20-8500-012**

4 **IN THE MATTER OF THE AMENDMENT**
5 **OF CERTAIN PROCEDURAL REQUIREMENTS**
6 **FOR ALL JUDICIAL PROCEEDINGS AND CASE TYPES**
7 **DURING THE COVID-19 PUBLIC HEALTH EMERGENCY**

8 **ORDER**

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10 WHEREAS, this matter having come before the Court upon
11 recommendation to implement certain reforms to enhance the effectiveness of
12 remote hearings held by audio-visual connection and to facilitate motions to reduce
13 sentences during the current public health emergency, and the Court having
14 considered the recommendation and being sufficiently advised, Chief Justice
15 Judith K. Nakamura, Justice Barbara J. Vigil, Justice Michael E. Vigil, Justice C.
16 Shannon Bacon, and Justice David K. Thomson concurring;

17 NOW, THEREFORE, IT IS ORDERED that all courts shall institute local
18 procedures to implement the following requirements for hearings to be held by
19 telephonic or audio-visual connection:

20 1. For all proceedings and case types, if a party plans to offer
21 documentary exhibits for admission at the hearing, the offering party shall submit
22 the proffered exhibits to the court, with a copy to the opposing party, no later than

1 forty-eight (48) hours before the start of the hearing, unless otherwise directed by
2 the court, along with an exhibit list that indicates whether the parties stipulate or
3 object to the admission of each proffered exhibit and the grounds for any
4 objections. If it appears that one or more proffered exhibits will be opposed, the
5 presiding judge may hold an evidentiary hearing prior to the hearing at which the
6 exhibits are sought to be admitted in order to resolve objections to the admission of
7 exhibits. The admission of exhibits opposed on foundational or authentication
8 grounds may be conditionally admitted pending witness testimony, but purely legal
9 objections to the admission of an exhibit may be resolved before the hearing for
10 which the exhibits are sought to be admitted; and

11 2. If a party anticipates challenging the identification of a defendant at a
12 hearing to be held by telephonic or audio-video connection, that party shall notify
13 the court and opposing counsel at least forty-eight (48) hours before the hearing so
14 that the court and opposing counsel have adequate time to prepare and make
15 arrangements for conducting the hearing in a manner conducive to addressing and
16 resolving a challenge to the identity of the defendant;

17 IT IS FURTHER ORDERED that the deadline for filing a motion to reduce
18 a sentence under Rule 5-801(A) NMRA may be waived by the court upon a
19 showing of an extraordinary change in circumstances caused by the current public
20 health emergency;

21 IT IS FURTHER ORDERED that this order shall be referred by the Clerk to
22 the appropriate rules committees to consider whether any of the temporary,
23 emergency procedures authorized under this order may warrant recommendations
24 to the Court for permanent rule amendments that would govern court proceedings
25 occurring after the current public health emergency has passed; and

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IT IS FURTHER ORDERED that this order shall remain in effect until

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amended or withdrawn by future order of this Court.

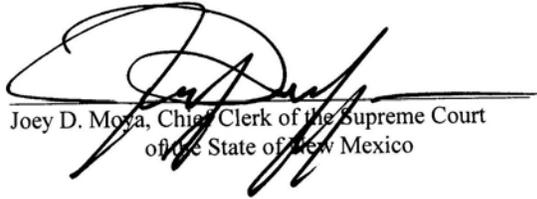
IT IS SO ORDERED.

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WITNESS, the Honorable Judith K. Nakamura, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 10th day of April, 2020.

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Joey D. Moya, Chief Clerk of the Supreme Court
of the State of New Mexico