

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

2 **November 2, 2021**

3 **NO. 21-8500-026**

4 **IN THE MATTER OF THE**
5 **BACKLOG OF CRIMINAL CASES**
6 **CAUSED BY THE COVID-19**
7 **PUBLIC HEALTH EMERGENCY**

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10 **ORDER**

11 WHEREAS, compliance with the deadlines governing criminal cases has
12 been impacted by the COVID-19 public health emergency, and as a result most
13 jurisdictions have a backlog of criminal cases;

14 WHEREAS, the evolving nature of the public health emergency will now
15 permit the New Mexico Judiciary to begin to clear the backlog of criminal cases that
16 has accumulated; and

17 WHEREAS, the Court shall ensure that each judicial district has an
18 established plan for clearing the backlog of criminal cases in their district if a
19 backlog of criminal cases has accumulated; and

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

23 NOW, THEREFORE, IT IS ORDERED that each judicial district shall
24 submit a written plan to the Supreme Court for clearing the backlog of criminal cases

1 that comports with current masking and social distance requirements. The written
2 plan must be submitted within thirty (30) days of the issuance of this order and shall
3 include the following:

4 1. Provide any non-COVID-19 related plans your judicial district has to
5 more efficiently resolve criminal cases, particularly cases in which the defendant is
6 in custody (i.e. in larger jurisdictions designating trial judges who only preside over
7 trials); and

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9 2. Provide a plan describing how you will resolve cases in which a
10 defendant has been in custody for over 730 days; and

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12 3. Provide a plan on how your judicial district will increase the size of
13 trailing dockets in criminal cases (explain the current size of your trailing docket and
14 the anticipated increase in size of future trailing dockets). The expectation is that the
15 increase in the size of trailing dockets will begin no later than **January 2, 2022**; and

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17 4. Explain how your judicial district can increase the number of jury trials
18 that can be held in any given week, beginning no later than **January 2, 2022**; and

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20 5. Identify alternative sites for jury selection. This includes additional
21 facilities that allow for a larger jury pool to undergo voir dire at one time. Identify
22 if it is more efficient to have other judges pick your jury; and

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24 6. Identify alternative sites for civil jury trials to be held and explain how
25 that would create additional space for criminal trials in the courthouse; and

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27 7. Provide a pre-COVID-19 roster and current roster of court monitors
28 available at each courthouse. Please explain whether you have a shortage of court
29 monitors in any given courthouse; and

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31 8. Provide a plan to increase cross-training of staff, particularly for court
32 monitors and jury staff; and

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34 9. Please explain, *in detail*, what additional resources are needed (if any)
35 to successfully resolve criminal cases more efficiently in your judicial district.

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37 IT IS FURTHER ORDERED that the Chief Judge of each judicial district

1 shall meet and confer with the magistrate and district court judges of the district to
2 determine whether court calendaring of criminal cases can be done to maximize
3 District Attorney and Public Defender schedules.

4 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 2nd day of November, 2021.


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

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