

1 **LR1-307. Case management pilot program for criminal cases.**

2 A. **Scope; application.** This is a special pilot rule governing time limits for criminal
3 proceedings in the First Judicial District Court. This rule applies in all criminal proceedings in the
4 First Judicial District Court but does not apply to probation violations, which are heard as
5 expedited matters separately from cases awaiting a determination of guilt, nor to any other special
6 proceedings in Article 8 of the Rules of Criminal Procedure for the District Courts. The Rules of
7 Criminal Procedure for the District Courts and existing case law on criminal procedure continue
8 to apply to cases filed in the First Judicial District Court, but only to the extent they do not conflict
9 with this pilot rule. The First Judicial District Court may adopt forms to facilitate compliance with
10 this rule, including the data tracking requirements of Paragraph J of this rule.

11 B. **Deadline for arraignment.** The defendant shall be arraigned on the information or
12 indictment within fifteen (15) days after the date of the filing of the bind-over order, indictment,
13 or the date of the arrest, whichever is later. The state shall file and directly submit its arraignment
14 request to the trial court administrative assistant concurrently with the filing of the bind-over order,
15 information, indictment, or date of arrest, whichever is later.

16 C. **Disclosure by the state; requirement to provide contact information;**
17 **continuing duty; failure to comply.**

18 (1) *Scope of disclosure by the state.* The scope of the state's discovery
19 disclosure obligations shall be governed by Rule 5-501(A)(1)-(6) NMRA. The state shall authorize
20 the defendant to examine all physical evidence in possession of the state upon request of the
21 defendant. The state shall provide the defendant with copies of any documentary evidence and
22 audio, video, and audio-video recordings made by law enforcement officers or otherwise in
23 possession of the state at the time of the disclosure, unless providing the evidence is otherwise

1 contrary to law. As part of its production obligations under Rule 5-501(A)(5), the state shall
2 provide contact information for its witnesses that is current as of the date of disclosure, including,
3 to the extent available, witness addresses, phone numbers, and email addresses.

4 (2) ***Deadline for disclosure by the state.*** If the case is a ten (10)-day case as
5 described by Rule 5-302(A)(1) NMRA, the state shall make its discovery disclosures to the
6 defendant within five (5) days after the first appearance. If the case is a sixty (60)-day case as
7 described by Rule 5-302(A)(1), the state shall make its initial discovery disclosures to the
8 defendant within fifteen (15) days after the first appearance.

9 (3) ***Motion to withhold contact information for safety reasons.*** A party may
10 seek relief from the court by motion, for good cause shown, to withhold specific contact
11 information if necessary to protect a victim or a witness. If the address of a witness is not disclosed
12 under court order, the party seeking the order shall arrange for a witness interview or accept at its
13 business offices a subpoena for purposes of deposition under Rule 5-503 NMRA.

14 (4) ***Continuing duty.*** The state shall have a continuing duty to disclose
15 additional information to the defendant, including the names and current contact information for
16 newly discovered witnesses and updated contact information for witnesses already disclosed,
17 within seven (7) days of receipt of this information.

18 (5) ***Evidence deemed in the possession of the state.*** Evidence is deemed to be
19 in the possession of the state for purposes of this rule and Rule 5-501(A) if this evidence is in the
20 possession or control of any person or entity who has participated in the investigation or evaluation
21 of the case.

22 (6) ***Deadline for the state to submit evidence to the crime lab.*** Within fifteen
23 (15) days of arraignment or the filing of a waiver of arraignment, the state shall file a certification

1 that it has exercised due diligence to ensure that all evidence that may require testing has been
2 submitted to the forensic lab.

3 D. **Disclosure by defendant; notice of alibi; entrapment defense; failure to**
4 **comply.**

5 (1) ***Initial disclosures; deadline; witness contact information.*** Not less than
6 five (5) days before the scheduled date of the status hearing described in Paragraph F of this rule,
7 the defendant shall disclose or make available to the state all information described in Rule 5-
8 502(A)(1)-(3) NMRA. At the same time, the defendant shall provide addresses, and also phone
9 numbers and email addresses if available, for its witnesses that are current as of the date of
10 disclosure.

11 (2) ***Deadline for notice of alibi and entrapment defense.*** Notwithstanding Rule
12 5-508 NMRA or any other rule, not less than ninety (90) days before the date scheduled for
13 commencement of trial as provided in Paragraph F of this rule, the defendant shall serve on the
14 state a notice in writing of the defendant's intention to offer evidence of an alibi or entrapment as
15 a defense.

16 (3) ***Continuing duty.*** The defendant shall have a continuing duty to disclose
17 additional information to the state, including the names and contact information for newly
18 discovered witnesses and updated contact information for witnesses already disclosed, within
19 seven (7) days of receipt of this information.

20 E. **Peremptory excusal of a district judge; limits on excusals; time limits;**
21 **reassignment.** A party on either side may file one (1) peremptory excusal of any judge in the
22 First Judicial District Court, regardless of which judge is currently assigned to the case, within ten
23 (10) days of the arraignment or the filing of a waiver of arraignment. If necessary, the case may

1 later be reassigned by the chief judge to any judge in the First Judicial District, so long as that
2 judge has not been previously excused on the case, under Paragraph I of this rule. The chief judge
3 may also reassign the case to a judge pro tempore previously approved to preside over these matters
4 by order of the Chief Justice, and the judge pro tempore shall not be subject to peremptory excusal.

5 F. **Status hearing; witness disclosure; case track determination; scheduling**
6 **order.**

7 (1) ***Witness list disclosure requirements.*** Within twenty-five (25) days after
8 arraignment or waiver of arraignment, each party shall, subject to Rule 5-501(F) and Rule 5-
9 502(C), file a list of names and contact information for known witnesses the party intends to call
10 at trial and that the party has verified is current as of the date of disclosure required under this
11 subparagraph, including a brief statement of the expected testimony or the witness's role within
12 the case to assist the court in assigning the case to a track as provided in this rule. The continuing
13 duty to make the disclosure to the other party continues at all times before trial, requiring this
14 disclosure within five (5) days of when a party determines or should reasonably have determined
15 the witness will be expected to testify at trial.

16 (2) ***Status hearing; factors for case track assignment.*** A status hearing, at
17 which the defendant shall be present, shall be commenced within thirty (30) days of arraignment
18 or the filing of a waiver of arraignment. The hearing may be held virtually.

19 (3) ***Case track assignment required; factors.*** At the status hearing, the court
20 shall determine the appropriate assignment of the case to one of three tracks. If, in the rare
21 circumstance, an exceedingly complex case does not fit into either track 1 or 2, written and specific
22 findings are required to place a case on track 3 and these findings shall be entered by the court
23 within five (5) days of assignment to track 3. To qualify for placement into track 3, a case must

1 have unusually high complexity due to, for instance, a high number of witnesses or a substantial
2 amount of scientific evidence, and the court’s written and specific findings shall support that
3 conclusion. Any track assignment under this rule shall be made after considering the following
4 factors:

5 (a) the complexity of the case, starting with the presumption that most
6 cases will qualify for assignment to track 1; and

7 (b) the number of witnesses, time needed reasonably to address any
8 evidentiary issues, whether there is scientific evidence, and other factors the court finds appropriate
9 to distinguish track 1, track 2, and track 3 cases.

10 (4) ***Defendants detained pending trial.*** When the defendant is detained
11 pending trial, the case shall be given the highest priority for trial scheduling.

12 (5) ***Scheduling order required.*** After hearing argument and weighing the above
13 factors, the court shall, on the conclusion of the status hearing, issue a scheduling order that assigns
14 the case to one of three tracks and identifies the dates when events required by that track shall be
15 scheduled, which are as follows for tracks 1, 2, and 3:

16 (a) ***Track 1; deadlines for commencement of trial and other events.*** For
17 track 1 cases, trial shall commence within two hundred ten (210) days of arraignment, the filing of
18 a waiver of arraignment, or other applicable triggering event identified in Paragraph G of this rule,
19 whichever is the latest to occur. The scheduling order shall also set dates for other events according
20 to the following requirements for track 1 cases:

21 (i) **Track 1 – deadline for plea agreement.** A fully executed plea
22 agreement entered into between the defendant and the state shall be submitted to the court
23 substantially in the form approved by the Supreme Court no later than ten (10) days before the trial

1 date. A request for the court to approve a plea agreement less than ten (10) days before the trial
2 date shall not be accepted by the court except on a written finding by the assigned district judge of
3 extraordinary circumstances;

4 (ii) Track 1 – deadline for pretrial conference. The final pretrial
5 conference, including any hearings on any remaining pretrial motions if needed, shall be scheduled
6 no less than fourteen (14) days before the trial date. Each party shall file its final trial witness list
7 on or before this date. All parties shall be present in person for the final pretrial conference;

8 (iii) Track 1 – deadline for notice of need for court interpreter.
9 All parties shall identify by filing a notice with the court any requirement for language access
10 services at trial by a party or witness fourteen (14) days before the trial date;

11 (iv) Track 1 – deadline for pretrial motions hearing. A hearing
12 for resolution of pretrial motions shall be set not less than thirty (30) days before the trial date;

13 (v) Track 1 – deadline for pretrial motions. Pretrial motions shall
14 be filed not less than fifty (50) days before the trial date;

15 (vi) Track 1 – deadline for responses to pretrial motions. Written
16 responses to any pretrial motions shall be filed within fifteen (15) days of the filing of any pretrial
17 motions. Absent exceptional circumstances, a failure to file a written response shall be deemed,
18 for the purposes of deciding the motion, an admission of the facts stated in the motion;

19 (vii) Track 1 – deadlines for requesting and completing witness
20 interviews. Witness interviews shall be completed not less than sixty (60) days before the trial
21 date. Absent order of the court, the state shall be responsible for scheduling pretrial witness
22 interviews of the state’s witnesses, and the defendant shall be responsible for scheduling pretrial
23 witness interviews of the defendant’s witnesses. A party wishing to interview witnesses on the

1 other party’s initial witness list shall request those interviews no later than fourteen (14) days after
2 the issuance of the scheduling order. The requesting party shall give dates of availability for
3 witness interviews during the thirty (30) days after the request and the party receiving the request
4 shall make reasonable efforts to schedule the requested interviews during that thirty (30)-day
5 period. If a party files a new witness list adding new witnesses, any requests to interview those
6 new witnesses shall be made no later than seven (7) days after the new witness list is served on the
7 requesting party. At all times, the parties shall act diligently and in good faith in requesting,
8 scheduling, and, as necessary, rescheduling witness interviews. The court shall not consider failure
9 to conduct pretrial interviews of witnesses as the basis of any sanction unless the party moving for
10 sanctions followed the requirements of this subparagraph in requesting those interviews;

11 (viii) Track 1 – deadline for disclosure of scientific evidence. All
12 parties shall produce the results of any scientific evidence, if not already produced, not less than
13 ninety (90) days before the trial date. When justified by good cause, the court may, but is not
14 required to, provide for production of scientific evidence less than sixty (60) days before the trial
15 date; and

16 (ix) Track 1 – deadline for amending criminal information or
17 indictment. The state shall file any amendment to the criminal information or indictment not less
18 than one hundred twenty (120) days before the trial date, unless otherwise ordered by the court on
19 good cause shown.

20 (b) *Track 2; deadlines for commencement of trial and other events.* For
21 track 2 cases, the trial shall commence within three hundred (300) days of arraignment, the filing
22 of a waiver of arraignment, or other applicable triggering event identified in Paragraph G of this

1 rule, whichever is the latest to occur. The scheduling order shall also set dates for other events
2 according to the following requirements for track 2 cases:

3 (i) Track 2 – deadline for plea agreement. A fully executed plea
4 agreement entered into between the defendant and the state shall be submitted to the court
5 substantially in the form approved by the Supreme Court no later than ten (10) days before the trial
6 date. A request for the court to approve a plea agreement less than ten (10) days before the trial
7 date shall not be accepted by the court except on a written finding by the assigned district judge of
8 extraordinary circumstances;

9 (ii) Track 2 – deadline for pretrial conference. The final pretrial
10 conference, including any hearings on any remaining pretrial motions if needed, shall be scheduled
11 no less than fourteen (14) days before the trial date. Each party shall file their final trial witness
12 list on or before this date. All parties shall be present in person for the final pretrial conference;

13 (iii) Track 2 – deadline for notice of need for court interpreter.
14 All parties shall identify by filing a notice with the court any requirement for language access
15 services at trial by a party or witness fifteen (15) days before the trial date;

16 (iv) Track 2 – deadline for pretrial motions hearing. A hearing
17 for resolution of pretrial motions shall be set not less than thirty (30) days before the trial date;

18 (v) Track 2 – deadline for pretrial motions. Pretrial motions shall
19 be filed not less than sixty (60) days before the trial date;

20 (vi) Track 2 – deadline for responses to pretrial motions. Written
21 responses to any pretrial motions shall be filed within fifteen (15) days of the filing of any pretrial
22 motions. Absent exceptional circumstances, a failure to file a written response shall be deemed,
23 for the purposes of deciding the motion, an admission of the facts stated in the motion;

1 (vii) Track 2 – deadlines for requesting and completing witness
2 interviews. Witness interviews shall be completed not less than seventy-five (75) days before the
3 trial date. Absent order of the court, the state shall be responsible for scheduling pretrial witness
4 interviews of the state’s witnesses, and the defendant shall be responsible for scheduling pretrial
5 witness interviews of the defendant’s witnesses. A party wishing to interview witnesses on the
6 other party’s initial witness list shall request those interviews no later than twenty-one (21) days
7 after the issuance of the scheduling order. The requesting party shall give dates of availability for
8 witness interviews during the forty-five (45) days after the request and the party receiving the
9 request shall make reasonable efforts to schedule the requested interviews during that forty-five
10 (45)-day period. If a party files a new witness list adding new witnesses, any requests to interview
11 those new witnesses shall be made no later than seven (7) days after the new witness list is served
12 on the requesting party. At all times, the parties shall act diligently and in good faith in requesting,
13 scheduling, and, as necessary, rescheduling witness interviews. The court shall not consider failure
14 to conduct pretrial interviews of witnesses as the basis of any sanction unless the party moving for
15 sanctions followed the requirements of this subparagraph in requesting those interviews;

16 (viii) Track 2 – deadline for disclosure of scientific evidence. All
17 parties shall produce the results of any scientific evidence, if not already produced, not less than
18 ninety (90) days before the trial date. When justified by good cause, the court may, but is not
19 required to, provide for production of scientific evidence less than ninety (90) days before the trial
20 date; and

21 (ix) Track 2 – deadline for amending criminal information or
22 indictment. The state shall file any amendment to the criminal information or indictment not less

1 than one hundred twenty (120) days before the trial date, unless otherwise ordered by the court on
2 good cause shown.

3 (c) *Track 3; procedure and deadlines for commencement of trial and*
4 *other events.* If a case is assigned to track 3, it shall be governed by the Rules of Criminal Procedure
5 for the District Courts, any scheduling orders, and any other orders entered by the court.

6 (6) *Form of scheduling order; additional requirements and shorter deadlines*
7 *allowed.* The court may adopt, on order of the chief judge of the district court, a form to be used
8 to implement the time requirements of this rule. Additional requirements may be included in the
9 scheduling order at the discretion of the assigned judge and the judge may alter any of the deadlines
10 described in Subparagraph (F)(5) of this rule to allow for the case to come to trial sooner.

11 (7) *Extensions of time; cumulative limit.* In the scheduling order, the court
12 may shorten the deadlines for the parties to request pretrial interviews set forth in Subparagraphs
13 (F)(5)(a)(vii) and (F)(5)(b)(vii) of this rule. The court may, for good cause, grant any party an
14 extension of the time requirements imposed by an order entered in compliance with Paragraph F
15 of this rule. In no case shall a party be given time extensions that in total exceed thirty (30) days
16 for track 1 cases and sixty (60) days for track 2 cases. Unless required by good cause, the
17 extensions of time shall not result in delay of the date scheduled for commencement of trial.
18 Substitution of counsel alone ordinarily shall not constitute good cause for an extension of time.
19 A stipulated request for extension of time in order to consolidate and resolve multiple cases against
20 the same defendant under one plea agreement shall ordinarily be considered good cause for an
21 extension of time.

- 1 **G. Time limits for commencement of trial.** As deemed necessary, the court may
2 enter an amended scheduling order to extend the time limits for commencement of trial consistent
3 with the deadlines in Paragraph F of this rule when one of the following triggering events occurs:
- 4 (1) the date of arraignment or the filing of a waiver of arraignment of the
5 defendant;
- 6 (2) if an evaluation of competency has been ordered, the date an order is filed
7 in the court finding the defendant competent to stand trial;
- 8 (3) if a mistrial is declared by the trial court, the date this order is filed in the
9 court;
- 10 (4) in the event of a remand from an appeal, the date the mandate or order is
11 filed in the court disposing of the appeal;
- 12 (5) if the defendant is arrested on a valid warrant in the case or surrenders in
13 this state on any valid warrant in the case, the date of the arrest or surrender of the defendant, and
14 the assigned judge determines that this circumstance reasonably requires additional time to bring
15 the case to trial;
- 16 (6) if the defendant is arrested or surrenders in another state or country, the date
17 the defendant is returned to this state;
- 18 (7) if the defendant has been referred to a preprosecution or court diversion
19 program, the date a notice is filed in the court that the defendant has been deemed not eligible for,
20 is terminated from, or is otherwise removed from the preprosecution or court diversion program;
- 21 (8) if the defendant's case is severed from a case to which it was previously
22 joined, the date from which the cases are severed, but the nonmoving defendant or at least one of

1 the nonmoving defendants may continue on the same basis as previously established under these
2 rules for track assignment and otherwise;

3 (9) if a defendant's case is severed into multiple trials, the date from which the
4 case is severed into multiple trials, but the court may continue at least one of the previously joined
5 defendants or counts on the original track assignment, which defendant or counts shall be
6 determined by the court on consideration of the complexity of the now-severed cases or counts;

7 (10) if a judge enters a recusal and the newly assigned judge determines the
8 change in judge assignment reasonably requires additional time to bring the case to trial, the date
9 the recusal is entered;

10 (11) if the court grants a change of venue and the court determines the change in
11 venue reasonably requires additional time to bring the case to trial, the date of the court's order; or

12 (12) if the court grants a motion to withdraw the defendant's plea, the date of the
13 court's order.

14 H. **Failure to comply.**

15 (1) If a party fails to comply with any provision of this rule or the time limits
16 imposed by a scheduling order entered under this rule, the court shall, on its own motion or on
17 motion of a party, impose sanctions as the court may deem appropriate in the circumstances and
18 taking into consideration the reasons for the failure to comply.

19 (2) In considering the sanction to be applied, the court shall not accept
20 negligence or the usual press of business as sufficient excuse for failure to comply. If the case has
21 been refiled after an earlier dismissal, dismissal with prejudice is the presumptive outcome for a
22 repeated failure to comply with this rule, subject to the provisions in Subparagraph (H)(6) of this
23 rule.

1 (3) A motion for sanctions for failure to comply with this rule or any of the
2 Rules of Criminal Procedure must be made in writing, but an oral motion may be made during a
3 setting scheduled for another purpose if the basis of the motion was not and reasonably could not
4 have been known before that setting.

5 (4) The sanctions the court may impose under this paragraph include, but are
6 not limited to, the following:

7 (a) a reprimand by the judge;

8 (b) prohibiting a party from calling a witness or introducing evidence;

9 (c) a monetary fine imposed on a party's attorney or that attorney's
10 employing office with appropriate notice to the office and an opportunity to be heard;

11 (d) contempt; and

12 (e) dismissal of the case with or without prejudice, subject to the
13 provisions in Subparagraph (H)(6) of this rule.

14 (5) The court shall not impose any sanction against the state for violation of this
15 rule if an in-custody defendant was not at a court setting as a result of a failure to transport, but the
16 court may impose a sanction if the failure to transport was attributable to the prosecutor's failure
17 to properly prepare and serve a transportation order if so required.

18 (6) The sanction of dismissal, with or without prejudice, shall not be imposed
19 under the following circumstances:

20 (a) the state proves by clear and convincing evidence that the defendant
21 is a danger to the community; and

22 (b) the failure to comply with this rule is caused by extraordinary
23 circumstances beyond the control of the parties.

1 Any court order of dismissal with or without prejudice or prohibiting a party from calling
2 a witness or introducing evidence shall be in writing and include findings of fact about the moving
3 party's proof of and the court's consideration of the above factors.

4 I. **Extension of time for trial; reassignment; dismissal with prejudice; sanctions.**

5 (1) ***Extending date for trial; good cause or exceptional circumstances;***
6 ***reassignment to available judge for trial permitted; sanctions.*** The court may extend the trial date
7 for a total of up to thirty (30) days for a track 1 case and forty-five (45) days for a track 2 case, on
8 showing of good cause which is beyond the control of the parties or the court. To grant the
9 extension, the court shall enter written findings of good cause. If on the date the case is set or reset
10 for trial the court is unable to hear a case for any reason, including a trailing docket, the presiding
11 judge may ask that the case be reassigned by order of the chief judge, within the chief judge's sole
12 discretion without entertaining motion or argument by the parties, for immediate trial to any
13 available judge or judge pro tempore, so long as that judge has not been previously excused. If the
14 court is unable to proceed to trial and must grant an extension for reasons the court does not find
15 meet the requirement of good cause, the court shall impose sanctions as provided in Paragraph H
16 of this rule, which may include dismissal of the case with prejudice subject to the provisions in
17 Subparagraph (H)(6) of this rule. Without regard to which party requests any extension of the trial
18 date, the court shall not extend the trial date more than sixty (60) days beyond the original date
19 scheduled for commencement of trial without a written finding of exceptional circumstances
20 approved in writing by the chief judge or a judge, including a judge pro tempore previously
21 approved to preside over those matters by order of the Chief Justice, that the chief judge designates.

22 (2) ***Requirements for extension of trial date for exceptional circumstances;***
23 ***reassignment.*** When the chief judge or the chief judge's designee accepts the finding by the trial

1 judge of exceptional circumstances, the chief judge shall approve rescheduling of the trial to a date
2 certain. The order granting an extension to a date certain for extraordinary circumstances may
3 reassign the case to a different judge for trial, so long as that judge has not been previously excused
4 on the case, or include any other relief necessary to bring the case to prompt resolution.

5 (3) ***Requirements for multiple requests.*** Any extension sought beyond the date
6 certain in a previously granted extension will again require a finding by the trial judge of
7 exceptional circumstances approved in writing by the chief judge or designee with an extension to
8 a date certain.

9 (4) ***Rejecting extension request for exceptional circumstances; dismissal***
10 ***required.*** If the chief judge or designee rejects the trial judge's request for an extension based on
11 exceptional circumstances, the case shall be tried within the previously ordered time limit or shall
12 be dismissed with prejudice if it is not, subject to the provisions in Subparagraph (H)(6) of this
13 rule.

14 (5) ***A new probable cause determination is not required for recently refiled***
15 ***charges.*** If a probable cause determination has been made by preliminary hearing or grand jury
16 and the court dismisses the case without prejudice, the same charges may be refiled under the same
17 case number by information within six (6) months of the dismissal without requiring a new
18 probable cause determination.

19 J. **Data reporting to the Supreme Court required.** The chief judge, district
20 attorney, and public defender shall provide statistical reports to the Supreme Court as directed.

21 [Adopted by Supreme Court Order No. S-1-RCR-2024-00056, effective for all cases filed on or
22 after January 1, 2026.]