

PROTOCOL IN CRIMINAL CASES FOR
ELECTRONIC SUBMISSION OF DOCUMENTS TO
DIVISION V OF THE FIRST JUDICIAL DISTRICT COURT

A. INTENT:

At this time of transition to electronic filing for criminal cases in Division V of the First Judicial District Court, it is appropriate to modernize the method by which documents are submitted to Division V in order to increase judicial efficiency and access as well as to promote timely and considered scheduling of hearings.

B. GENERAL PROVISIONS:

1. All documents submitted by counsel to Division V pursuant to this Protocol shall be sent via email to the following address: **sfeddiv5proposedtxt@nmcourts.gov**
2. No electronic submission of documents shall be sent to any other email address associated with Division V staff.
3. Only electronic submissions shall be sent to the above email address. No other correspondence shall be sent to the above address.
4. All emails sent to the above address shall be sent simultaneously to the email address of opposing counsel, except for emails concerning transport orders.
5. All transport orders shall be submitted with sufficient time for Division V staff to process the order before the deadline set by the transporting agency for receipt of such orders. If the need to transport a defendant becomes unnecessary at any time after submission, or issuance, of a transport order, counsel who requested the order shall immediately contact the transporting agency and inform of the need to cancel the transport.
6. All requests and orders for telephonic appearance shall be submitted more than two (2) business days before the affected hearing, except that when a hearing is set with notice of less than three (3) business days, requests and orders may be submitted less than two (2) business days before the affected hearing. All requests and orders for telephonic appearance shall contain the phone number at which counsel may be contacted.
7. All motions and orders for continuance of a hearing shall be submitted more than three (3) business days before the affected hearing.

8. All submitted orders shall be in Microsoft Word format.
9. Any electronic submission that does not comply with this Protocol will not be processed and no action will be taken by the Court.
10. Unless explicitly ordered by the Court, counsel shall not submit a paper copy of any motion or order described in this Protocol to Division V.
11. After December 1, 2019, Division V will not send a paper copy of any order described in this Protocol to any counsel.
12. In order to receive a copy of any order described in this Protocol for any case, counsel must be registered in Odyssey as a Service Contact for the case.

C. PROCEDURE:

1. PROPOSED ORDERS:

Unless a Proposed Order is provided to the Court (1) in person, (2) in open court, and (3) on the same date as the hearing in which the Court rules on the corresponding motion, counsel for the party prevailing on the motion shall submit a Proposed Order via email within the deadline prescribed by any rule or the Court.

The subject line to the email shall be as follows:

CRIMINAL[space]–[space](defendant’s first and last name)[space]–[space](title of document)
[space]–[space](case number(s))

For example:

CRIMINAL – John Doe – Order on Motion to Suppress – D-117-CR-2019-00000

2. STIPULATED ORDERS:

If both counsel have stipulated to an order without the necessity of a hearing, counsel for the moving party shall submit via email a Stipulated Order and a copy of the filed Stipulated Motion, which shall contain: (1) the type of order requested; (2) the reason for the order requested; (3) the name of counsel for the non-moving party; (4) the date and time of the stipulation; and (5) the mode of communication by which the stipulation was received by the moving party.

The subject line to the email shall be as follows:

STIPULATED[space]–[space](defendant’s first and last name)[space]–[space](title of document)[space]–[space](case number(s))

For example:

STIPULATED – John Doe – Release Order – D-117-CR-2019-00000

STIPULATED – John Doe – Waiver of Arraignment and Conditions of Release – D-117-CR-2019-00000; D-117-CR-2018-00000; D-117-CR-2017-00000

3. TRANSPORT ORDERS:

Counsel requesting transport of a defendant from custody to a hearing shall submit a transport order via email in compliance with General Provision 5.

Multiple transport orders may be submitted in a single email if the date of transport is the same for each order. Otherwise, transport orders for different dates of transport shall be submitted in separate emails.

The subject line to the email shall be as follows:

TRANSPORT[space]–[space](date of transport)

For example:

TRANSPORT – January 1, 2019

4. EXPEDITED MOTIONS:

After filing, counsel for the moving party shall submit via email a copy of the filed Expedited Motion along with (1) a blank Notice of Hearing and (2) a copy of the filed Request for Hearing, which shall contain: (a) the type of hearing requested; (b) the length of time requested for the hearing; (c) the name of each witness expected to testify at the hearing; (d) whether the defendant is in custody and, if so, the name of the detention facility; and (e) the date by which the hearing must be held given (i) any deadline set by rule or the Court or (ii) the reason for requesting an expedited decision.

The subject line to the email shall be as follows:

EXPEDITED[space]–[space](defendant’s first and last name)[space]–[space](title of document)[space]–[space](case number(s))

For example:

EXPEDITED – John Doe – Motion for Furlough – D-117-CR-2019-00000

If a Response to an Expedited Motion is filed, counsel for the filing party shall submit via email a filed copy of the Response.

The subject line to the email shall be as follows:

EXPEDITED[space]–[space]RESPONSE[space]–[space](defendant’s first and last name)[space]–[space](title of document)[space]–[space](case number(s))

For example:

EXPEDITED – RESPONSE – John Doe – Motion for Furlough – D-117-CR-2019-00000

5. PRETRIAL DETENTION MOTIONS:

After filing, the State shall submit via email a copy of the filed Pretrial Detention Motion along with (1) a blank Notice of Hearing and (2) a copy of the filed Request for Hearing, which shall contain: (a) the length of time requested for the hearing; (b) the name of each witness expected to testify at the hearing; (c) whether the defendant is in custody and, if so, the name of the detention facility; and (d) the date by which the hearing must be held pursuant to Rule 5-409 NMRA.

The subject line to the email shall be as follows:

DETENTION[space]–[space](defendant’s first and last name)[space]–[space](case number(s))

For example:

DETENTION – John Doe – D-117-LR-2019-00000

If an Amended Pretrial Detention Motion is filed, the State shall submit via email a filed copy of the Amended Motion.

The subject line to the email shall be as follows:

DETENTION[space]–[space]AMENDED([space]number if more than one)[space]–[space](defendant’s first and last name)[space]–[space](case number(s))

For example:

DETENTION – AMENDED – John Doe – D-117-LR-2019-00000

DETENTION – AMENDED 2 – John Doe – D-117-LR-2019-00000

If a Response to a Pretrial Detention Motion is filed, Defense Counsel shall submit via email a filed copy of the Response.

The subject line to the email shall be as follows:

DETENTION[space]–[space]RESPONSE[space]–[space](defendant’s first and last name)[space]–[space](case number(s))

For example:

DETENTION – RESPONSE – John Doe – D-117-LR-2019-00000

6. OTHER MOTIONS – PACKETS:

Pursuant to Rule LR1-201 NMRA, counsel for the moving party shall compile a Motion Packet and submit the Packet via email along with (1) a blank Notice of Hearing and (2) a copy of the filed Request for Hearing, which shall contain: (a) the type of hearing requested; (b) the length of time requested for the hearing; (c) the name of each witness expected to testify at the hearing; (d) a list of all non-paper exhibits filed with the Clerk’s Office and referenced in the motions; (e) the date of jury selection, if currently set in the case; (f) whether the defendant is in custody and, if so, the name of the detention facility; (g) the date by which the hearing must be held given any deadline set by rule or the Court; and (h) the amount of time needed by the moving party to prepare for the hearing and the reason why (*e.g.*, “The movant needs two weeks from this date of filing before the hearing can be held in order to subpoena witnesses.”).

The subject line to the email shall be as follows:

PACKET[space]–[space](defendant’s first and last name)[space]–[space](title of document)[space]–[space](case number(s))

For example:

PACKET – John Doe – Motion to Admit 404(B) Evidence – D-117-CR-2019-00000
PACKET – John Doe – Motion to Suppress – D-117-CR-2019-00000

Unless explicitly ordered by the Court, (1) no courtesy copy of any motion shall be submitted, via email or otherwise; (2) no motion shall be submitted individually; and (3) no motion shall be submitted before all responsive deadlines have expired.

7. REQUEST FOR HEARING WITHOUT MOTION:

Counsel filing a request for hearing without a motion (*e.g.*, a request for a scheduling conference, plea conference, sentencing hearing, etc.) shall submit via email the following: (1) a blank Notice of Hearing and (2) a copy of the filed Request for Hearing, which shall contain: (a) the type of hearing requested; (b) the length of time requested for the hearing; (c) the name of each witness expected to testify at the hearing; (d) whether the defendant is in custody and, if so, the name of the detention facility; (e) the date by which the hearing must be held given any deadline set by rule or the Court; and (f) the amount of time needed by the filing party to prepare for the hearing and the reason why.

The subject line to the email shall be as follows:

HEARING[space]–[space](defendant’s first and last name)[space]–[space](title of document)[space]–[space](case number(s))

For example:

HEARING – John Doe – Request for Plea Conference – D-117-CR-2019-00000