1 IN THE SUPREME COURT OF THE STATE OF NEW MEXICO 2 March 31, 2023 3 NO. 23-8500-012 4 IN THE MATTER OF PLEA 5 AND SETTLEMENT DEADLINES 6 IN CRIMINAL AND CIVIL CASES 7 8 **ORDER** WHEREAS, during the COVID-19 Public Health Emergency beginning 9 10 March 11, 2020, certain plea and settlement deadlines were implemented to improve 11 court operations statewide; 12 WHEREAS, the Court recognizing the continued need for improved court 13 operations and desiring to provide clear and consistent plea and settlement deadlines; 14 and 15 WHEREAS, in light of the foregoing, and the Court being sufficiently 16 advised, Chief Justice C. Shannon Bacon, Justice Michael E. Vigil, Justice David K. 17 Thomson, Justice Julie J. Vargas, and Justice Briana H. Zamora, concurring; 18 NOW, THEREFORE, IT IS ORDERED that in criminal and civil proceedings 19 in which a jury or bench trial has been scheduled by a district, magistrate, or the 20 Bernalillo County Metropolitan Court, a plea agreement or a settlement agreement 21 between the parties that would eliminate the need for a trial shall be submitted for the court's consideration no later than five (5) business days before the scheduled 22

date for jury selection or commencement of a bench trial that will allow the court sufficient time to take action on the plea agreement or settlement agreement;

IT IS FURTHER ORDERED that a request for the court to approve an untimely plea agreement or settlement agreement shall not be granted except upon a written finding by the judge of extraordinary circumstances that excuse the untimely submission of the agreement, and if the court denies a request to accept an untimely plea agreement or settlement agreement, the case shall proceed to trial on the scheduled date;

IT IS FURTHER ORDERED that notwithstanding the denial of a request to accept an untimely plea agreement in a criminal case, a defendant may elect to plead guilty to all charges leaving full sentencing discretion with the court or the state may elect to dismiss all charges with prejudice any time before or during trial; and

IT IS FURTHER ORDERED that the provisions of this Emergency Court Protocol shall not apply to the plea deadline provisions in local Rule LR2-308 NMRA or to non-attorney prosecutions in the metropolitan and magistrate courts.

IT IS SO ORDERED.



WITNESS, the Honorable C. Shannon Bacon, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 31st day of March 2023.

Elizabeth A. Garcia, Chief Clerk of the Supreme Court of the State of New Mexico

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