Administrative Office of the Courts

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New Mexico courts suspend new criminal jury trials as coronavirus precautionary measure

SANTA FE – The New Mexico Supreme Court today suspended all criminal jury trials that have not started and imposed additional precautionary measures against the spread of coronavirus (COVID-19).

New Mexico's appellate, district, metropolitan and magistrate courts remain open.

The Court previously suspended civil jury trials. Criminal jury trials, which are not under way, will be suspended until April 30 or further notice by the Court. Presiding judges have the discretion to proceed with a criminal jury trial if there is an exceptional circumstance.

"The precautionary measures imposed by the Judiciary today will provide additional safeguards for all New Mexicans while allowing necessary court functions to continue," Chief Justice Judith K. Nakamura said. "Especially during a public health emergency, courts must not close because they deliver vital services required in our justice system to ensure community safety."

"Courts play a critical role in our society ensuring compliance with the rule of law. This includes hearing the initial pleas of those arrested and charged with crimes, making constitutionally required decisions on the pretrial detention of defendants and issuing restraining orders to protect victims of domestic violence. These are among the crucial functions the Judiciary will continue to provide New Mexicans with necessary public health precautions at courthouses," Chief Justice Nakamura said.

Other than jury trials, all other court proceedings will continue with appropriate precautions in place for those who must visit and work in courthouses.

Newly imposed measures by the Judiciary will:

- Temporarily suspend the ability of lawyers to excuse a judge from presiding over a criminal and civil case. Suspending the peremptory excusal rules allows courts to better manage their caseloads within precautionary directives and distribute cases among all available judges.
- Encourage judges to use their discretion to conduct all court appearances, such as arraignments and plea proceedings, by telephone and video to eliminate the need for attorneys and litigants to be physically present in a courtroom.

- Require courts to screen visitors to courthouses and deny access to people exhibiting symptoms of COVID-19 or who have traveled to a COVID-19 high-risk area.
- Allow local courts to accept case filings by email or fax from self-represented litigants.
- Permit local courts to allow lawyers to file by email or fax for case types that currently cannot be submitted electronically.
- Tighten travel restrictions on judicial employees and judges to require a 14-day self-isolation period for those who travel out-of-state for personal reasons. The courts previously halted all work-related out-of-state travel.

The Court today authorized municipal courts to close and previously allowed county probate courts to close.

The Judiciary previously restricted the number of people who gather in any courthouse location, including courtrooms and hallways, to no more than 25 to maintain appropriate social distancing as recommended by public health authorities. That is more restrictive than the current requirements of the state's public health emergency order prohibiting gatherings of 100 or more people.

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Attached: Supreme Court orders on coronavirus precautionary measures and judicial travel restrictions.

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