



1           WHEREAS, under Rule 6-504(D) NMRA, “[u]pon request of a party, any  
2 witness named on the witness list of the opposing party, other than the defendant,  
3 shall be made available for interview prior to trial”;

4           WHEREAS, under Rule 7-504(C)(1) NMRA, “[i]f requested by either party,  
5 any person, other than the defendant, with information that is subject to discovery,  
6 shall give an interview [prior to trial]”;

7           WHEREAS, under Rules 6-504(F) and 7-504(H) NMRA, if a party fails to  
8 makes a witness available for pretrial interview, the court may grant a continuance  
9 or issue sanctions, including but not limited to prohibiting the party from calling the  
10 witness;

11           WHEREAS, the vast majority of states do not require the prosecution to make  
12 law enforcement officers available for pretrial interviews in misdemeanor cases;

13           WHEREAS, requiring law enforcement officers to participate in pretrial  
14 interviews in every misdemeanor case pending in the Santa Fe County Magistrate  
15 Court and the Bernalillo County Metropolitan Court strains the resources of the Law  
16 Offices of the Public Defender, the First and Second Judicial District Attorneys’  
17 Offices, and local law enforcement; and

1           WHEREAS, in light of the foregoing, and the Court being sufficiently  
2 advised, Chief Justice Michael E. Vigil, Justice C. Shannon Bacon, Justice David K.  
3 Thomson, Justice Julie J. Vargas, and Justice Briana H. Zamora, concurring;

4           NOW, THEREFORE, IT IS ORDERED that the requirement of law  
5 enforcement officers to give pretrial witness interviews under Rules 6-504(D) and  
6 7-504(C)(1) NMRA is TEMPORARILY SUSPENDED for all cases filed in the  
7 Santa Fe County Magistrate Court or the Bernalillo County Metropolitan Court on  
8 or after March 24, 2022. This order does not apply to any cases, including  
9 misdemeanor cases, filed in the district courts.

10           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 24th day of March, 2022.

Sally A. Paez, Acting Clerk of Court  
Supreme Court of New Mexico

A handwritten signature in black ink that reads "Sally A. Paez".

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Sally A. Paez, Acting Chief Clerk of the Supreme Court  
of the State of New Mexico

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