
Ramon J. Maestas
Chief Clerk

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

**IN THE MATTER OF TEMPORARY
PROCEDURES FOR FILING OF
CASES UNDER RULE 12-204 NMRA
BY THE LAW OFFICES OF THE PUBLIC
DEFENDER,**

**Miscellaneous Order
No. A-1-AO-2024-00004**

_____ /

ORDER

This matter has come before the Court of Appeals pursuant to the New Mexico Supreme Court's order No. S-1-AO-2024-00027 and as a result of a cyberattack on the Law Offices of the Public Defender (LOPD) on June 27, 2024, which has compromised the LOPD's ability to carry out its role.

Order No. S-1-AO-2024-00027 provides that the general tolling provision outlined in that order shall not apply to any case filed under Rule 12-204 NMRA. It further provides that the Court of Appeals may implement processes, whether formally or informally, with regard to filing and access to case materials at the discretion of the Clerk's Office until this matter is resolved.

The Court of Appeals therefore implements the following temporary processes for appeals brought by LOPD under Rule 12-204.

1. In any Rule 12-204 appeal by an appellant represented by LOPD, in complying with Rule 12-204(C)(1), the LOPD trial attorney should obtain two (2) CD copies of the audio recordings of the pretrial detention hearings from the district court. One copy should be given to the Court of Appeals without being accessed by LOPD, and the other may be kept by LOPD and accessed by

them. The CD designated for the Court shall be placed in a sealed envelope upon receipt from the district court.


2. The CD that is given to the Court of Appeals shall be accompanied by a paper copy of the following signed certification from the LOPD attorney of record on the appeal, which shall be file-stamped and filed into the case record by the Court:

“I, _____ [name of trial attorney], certify that this copy of the audio recording in Case No. [_____] was obtained directly from the district court and provided to the Court of Appeals without being loaded into any device operated by or otherwise reviewed by the Law Offices of the Public Defender.”

[Signature] [Date]

3. The Court’s review of any appeal filed pursuant to Rule 12-204 shall not begin until it receives a copy of the audio CD that complies with the foregoing procedure, thereby making it accessible to the Court. The deadlines established by Rule 12-204(D) will begin to run upon receipt by this Court of the accessible recording.

IT IS SO ORDERED.



RAMON J. MAESTAS,
Chief Clerk, Court of Appeals