

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO,
Plaintiff,

v.

No. D-202-CR-2026-00405

TIMOTHY BUSFIELD,
Defendant.

STATE'S NOTICE OF NON-COMPLIANCE

COMES NOW the State of New Mexico, by and through its Deputy District Attorney, Rebekah Reyes, and notifies this Honorable Court of the Defendant's failure to comply with this Court's Scheduling Order and NMRA LR 2-308 as outlined below:

- 1) On February 6, 2026, the grand jury indicted the Defendant on four (4) counts of Criminal Sexual Contact of a Minor in the Third Degree.
- 2) On February 11, 2026, the Defendant filed a Waiver of Arraignment, which is the triggering event for the NMRA LR 2-308 deadlines.
- 3) The State's Witness List was properly filed on February 13, 2026 in accordance with NMRA LR 2-308(G)(1).
- 4) On March 10, 2026, this case came before the Court for scheduling pursuant to NMRA LR 2-308(G)(2). The State argued for Track 3 due to the number of witnesses, including experts, on the State's Witness List. The Defendant opposed and requested Track 2. The Court assigned the case to Track 3, and a Scheduling Order was issued and filed on the same date.

- 5) Although the Defendant called witnesses at the pretrial detention hearing, he has not filed a witness list in this cause number, and is therefore not in compliance with NMRA LR 2-308(G)(1).
- 6) NMRA LR 2-308(G)(5)(c)(vii) states, “[a] party wishing to interview witnesses of the other party’s initial witness list shall request those interviews no later than twenty (21) days after the issuance of the scheduling order. The requesting party shall give dates of availability for witness interviews during the sixty (60) days following the request and the party receiving the request shall make reasonable efforts to schedule the requested interviews during that sixty (60)-day period.”
- 7) The Scheduling Order issued in this case states, “[a]ll requests for interviews of witnesses on the other party’s initial witness list shall be made within fourteen (14) days after the issuance of this scheduling order.”
- 8) The deadline for the Defendant to request pretrial interviews of the State’s witnesses according to this Court’s Scheduling Order was March 24, 2026.
- 9) The deadline for the Defendant to request pretrial interviews of the State’s witnesses according to NMRA LR 2-308 was March 31, 2026.
- 10) To date, the State has not received a single pretrial interview request from the Defendant.
- 11) Should the Defendant make a pretrial interview request at a later time, the State will work in good faith to set up those interviews, however, pursuant to NMRA LR 2-308(G)(5)(c)(vii), “[t]he court shall not consider failure to conduct pretrial interviews of witnesses as the basis of any sanction unless the party moving for sanctions followed the requirements of this subparagraph in requesting those interviews.”

WHEREFORE, the State notifies this Court of the Defendant's non-compliance with this Court's Scheduling Order and NMRA LR 2-308.

Respectfully submitted:

/s/ Rebekah D. Reyes
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I hereby certify that a true and correct copy of the foregoing was sent to defense counsel of record on the date of this filing.

/s/ Rebekah D. Reyes
Deputy District Attorney