

9-418

**[For use with Magistrate Court Rule 6-505,
Metropolitan Court Rule 7-505 and
Municipal Court Rule 8-505]**

STATE OF NEW MEXICO
[COUNTY OF _____]
[CITY OF _____]
_____ COURT

[STATE OF NEW MEXICO]
[CITY OF _____]

v.

No. _____

_____, Defendant

SCHEDULING ORDER¹

The parties shall comply with the following scheduling order:

1. Motions must be filed by _____ (date)².
2. Discovery must be **completed** by _____ (date).
3. The prosecution shall disclose to the defendant its witnesses and the names, addresses and telephone numbers of its witnesses by _____ (date).
4. The defendant shall disclose to the prosecution the names, addresses and telephone numbers of the defendant's witnesses by _____ (date).
5. The prosecution shall disclose and make available for inspection, copying and photographing its exhibits to defendant no later than _____ (date).
6. The defendant shall disclose and make available for inspection, copying and photographing its exhibits to the prosecution no later than _____ (date).
7. [The parties shall submit their proposed initial jury instructions to the court by _____ (date).]³
8. Any party may request a pretrial conference by filing a written request stating the purpose of the conference.
9. If this case is dismissed or if the parties have agreed on a plea or proposed disposition, the parties shall promptly advise the court.

10. A pretrial conference is scheduled for this case on _____ (*date*).
11. A motion hearing will be held on _____ (*date*).
- [12. This matter is set for [jury] [non-jury] trial on _____ (*date*).]⁴

When this order states that a document shall be disclosed by a certain date, that means that it must be received by the recipient by that date.

If it is brought to the attention of the court that a party has failed to comply with this order, the court may:
order such party to permit the discovery or inspection of materials not previously disclosed; grant a continuance; prohibit the party from calling a witness not disclosed; prohibit the party from introducing in evidence the material not disclosed; or enter such other order as it deems appropriate under the circumstances, including but not limited to holding an attorney or party in contempt of court.

Failure to comply with any provision of this order may result in a finding of contempt of court and punished by fine or imprisonment.

Judge

Date of Signature

USE NOTE

1. Use of this form is in the discretion of the judge. This form may be modified as appropriate by the judge. For example, the court may want to require settlement conferences or pretrial conferences or may schedule docket calls. Dates should be in consecutive order.
2. Dates should be calendar dates, not "___ days after entry of this order", or "___ days before trial".
3. This paragraph may be used only if a party is represented by an attorney. The parties may submit additional instructions at the close of the evidence.
4. This paragraph and Paragraph 7 have been included for use in the magistrate and metropolitan court if the trial is by jury.

[Approved, effective December 17, 2001.]