

FOR IMMEDIATE RELEASE:

LAS CRUCES MUNICIPAL COURT POLICY ON COURT ACCESS DUE TO THE COVID-19 PANDEMIC

EFFECTIVE MARCH 30, 2019

The Las Cruces Municipal Court is instituting a temporary policy to reduce the possible risk of COVID-19 exposure to the public and Court employees. The New Mexico Department of Public Health issued emergency public health orders to include mandatory closures and guidelines to stem the spread of COVID-19 in New Mexico. Courts are exempt from the public health orders, as they are an independent branch of the government, and are responsible for providing essential public safety services, maintaining the rule of law, and ensuring that the constitutional rights of defendants are protected.

The court access policy is based on New Mexico Supreme Court Order No. 20-8500-002 (March 17, 2020), which states that it is a priority that all courts in New Mexico remain open to provide essential public safety services and maintain the rule of law in a safe environment for all New Mexicans. The Order recognizes the constitutional rights of all New Mexican, which are necessarily balanced with the emergent public health and safety needs of our residents at a time of public crises.

This policy also considers the Supreme Court directives under Order 20-8500-002 to provide the public with alternative means of presenting their matters to the court by use of electronic or facsimile transmission to minimize the travel and physical contact required to file documents in person at the Court. Likewise, the policy is consistent with the same Supreme Court Order that gives discretion to the District Court to control access by screening individuals seeking to enter the Court who may be infected by the COVID-19 virus. Municipal Court is subject to supervisory control by the Chief Judge of the District Court of the Third Judicial District, Judge Manuel I. Arrieta.

In summary, this policy does not bar access to the Court, but rather, it provides access in different forms consistent with the need to protect the public health and safety at a time of need.

Beginning March 30, 2020:

The public seeking access to Las Cruces Municipal Court will be screened at the main entrance to the Court. Personnel will be stationed at the entrance to screen and assess each individual's physical condition by observation and inquiry. Everyone seeking entry to the Court will be asked the following questions to determine whether they meet the New Mexico Department of Health criteria to establish whether a COVID-19 high-risk contagion exists:

1. Whether the individual reports a fever, cough, or shortness of breath that has developed in the past 14 days;
2. Whether the individual has travelled within the last 14 days to a high-risk COVID-19 affected area as defined by the New Mexico Department of Health; or
3. Whether the individual reports a diagnosis, or close contact with anyone who has a diagnosis of a COVID-19 infection, or has been in contact with someone who has been in a defined high-risk area within the last 14 days.

Persons answering affirmatively to any of these questions will be asked to leave the Court's campus and return to their own residence, and contact medical personnel for further direction.

Once an individual has been admitted to the Court, other Court staff may also ask that person the above questions at any time while assisting them.

Filing Pleadings: Court users are requested to file all pleadings either by facsimile (fax) at 575-541-2184, email at mcourt@las-cruces.org, or by mail to P.O. Box 20000, Las Cruces, NM 88004. If none of these options are possible, the individual may still file at the window inside the Court, but must maintain the recommended 6-foot distance from staff and other members of the public.

Inquiries about Cases: Contact the Court at 575-541-2224 during regular Court hours (7:30 – 4:30); email the question to mcourt@las-cruces.org; fax the Court at 575-541-2184; or, as a last resort, come to the Court during regular business hours.

Paying Fines/Fees: Individuals are encouraged to either make payments on-line at www.municipalonlinepayment.com/lascrucesnm with a credit card or debit card (there is \$1.95 charge per transaction) or by mail to P.O. Box 20000, Las Cruces, NM, 88004. As a last resort, payments are still accepted at the Court. **NOTE: The New Mexico Supreme Court has granted automatic 30-day extensions on all payments of fines/fees.**

Hearings: Pursuant to Supreme Court Order No. 20-8500-006 (March 23, 2020), The Municipal Court will use remote methods (video, telephonic, etc.) to conduct hearings whenever possible. If remote methods can't be utilized, the Court may reset the hearing at a later date. As a last resort, the Court may require personal attendance at the hearing. Attorneys, litigants, witnesses, legal staff, law enforcement, the press and families attending hearings will all be subject to screening. However, pursuant to Supreme Court Order No. 20-8500-006, no more than 15 individuals should congregate in one area. **The New Mexico Health Department has recommended that no more than five people congregate in one area.** Depending on the nature of the proceeding, the Judge and staff may need to have individuals removed from the courtroom to wait elsewhere when necessary. Every effort will be made to keep necessary parties in the courtroom. Additional seating may be offered at the discretion of the Judge and her staff. No legal proceedings will occur without the core or necessary participants. In the Courtroom everyone is advised to maintain a 6-foot distance from everyone else present.

This policy is subject to amendment at any time, depending on how conditions change. The goal of the Municipal Court is to keep the court "open," while providing a degree of safety for the health of the public and Court staff.

Thank you for your patience and understanding during this difficult and confusing time.



Presiding Judge Joy Goldbaum
Las Cruces Municipal Court