

## **6-102. Conduct of court proceedings.**

A. **Judicial proceedings.** Judicial proceedings should be conducted with fitting dignity and decorum, in a manner conducive to undisturbed deliberation, indicative of their importance to the people and to the litigants and in an atmosphere that bespeaks the responsibilities of those who are charged with the administration of justice.

B. **Nonjudicial proceedings.** Proceedings designed and carried out primarily as ceremonies, and conducted with dignity by judges in open court, may properly be photographed in, or broadcast from, the courtroom with the permission and under the supervision of the court like all other court proceedings in accordance with Rule 23-107 NMRA.

C. **Appearance of the defendant and witnesses before the court.** A defendant shall not be required to appear before the jury in distinctive clothing that would give the appearance that the defendant is incarcerated. Except by written order of the court, the defendant may not appear before the jury in any visible restraint devices, including handcuffs, chains, or stun belts, a visible bullet proof vest, or any other item which, if visible to the jury, would prejudice the defendant in the eyes of the jury. When the defendant appears in court for a jury trial in any restraint device, a notation shall be placed in the court's file stating the kind of restraint device used and the reasons why the defendant is being restrained. Before requiring a witness to appear before the jury in prison clothing or any visible restraint, the court shall balance the need for courtroom security and the likelihood of prejudice to the defendant in the eyes of the jury.

D. **Closed circuit television recordings.** The Administrative Office of the Courts (AOC) may install closed circuit television systems in the magistrate courts. The recordings produced by the closed circuit television system do not constitute a record of court proceedings, and the presence of closed circuit television recording equipment in the courtroom shall have no effect on the status of the magistrate court as a non-record court.

[As amended, effective September 2, 1997; May 5, 1998; as amended by Supreme Court Order No. 08-8300-007, effective January 29, 2008; as amended by Supreme Court Order No. 13-8300-018, effective for all cases pending or filed on or after December 31, 2013; as amended by Supreme Court Order No. 16-8300-021, effective for all cases pending or filed on or after December 31, 2016; as amended by Supreme Court Order No. 18-8300-020, effective December 31, 2018.]

**Committee commentary.** — The Committee added Paragraph C to ensure that defendants are not prejudiced because of being restrained before the court. The court is required under Paragraph C to place a notation in the court's file regarding the kind of restraint device used and the reasons why the defendant is being restrained.

[Adopted by Supreme Court Order No. 13-8300-018, effective for all cases pending or filed on or after December 31, 2013.]