**9-403B. Conditional order of appointment; contract defense counsel.**

[Section 35-5-8 NMSA 1978]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COURT

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

v. No. \_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Defendant.

**CONDITIONAL ORDER OF APPOINTMENT1**

**CONTRACT DEFENSE COUNSEL**

This matter having come before the court, the court finds:

(*please check appropriate box or boxes*)

THE COURT FINDS THAT:

[ ] The defendant is incarcerated.

[ ] The defendant is not incarcerated.

THE COURT FURTHER FINDS THAT:

[ ] The defendant is indigent and unable to obtain counsel.

IT IS THEREFORE ORDERED THAT:

[ ] The Law Offices of the Public Defender is appointed to represent the defendant in the above-entitled case.

[ ] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , an attorney on contract with the [Law Offices of the Public Defender] [City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_], shall represent the defendant in the above-entitled case.

IT IS FURTHER ORDERED THAT:

[ ] The application fee is waived.

[ ] The application fee is required.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Judge

**CERTIFICATE OF MAILING**

 I certify that I mailed a copy of this order to the above-named defendant at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*set forth address*), and to the Law Offices of the Public Defender on the \_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date (Judge) (Clerk)

USE NOTES

 1. This form may be used in municipal courts and in magistrate court jurisdictions where the Law Offices of the Public Defender does not have a physical office and relies on appointed contract attorneys to represent indigent defendants. In jurisdictions where the Law Offices of the Public Defender has a physical office, magistrate courts should use Form 9-403A NMRA.

[Adopted by Supreme Court Order No. 15-8300-006, effective for all cases pending or filed on or after December 31, 2015; as amended by Supreme Court Order No. 21-8300-023, effective for all cases pending or filed on or after December 31, 2021.]