**9-104C. Waiver of appearance.**

[For use with Magistrate Court Rule 6-109 NMRA,

Metropolitan Court Rule 7-109 NMRA,

and Municipal Court Rule 8-108 NMRA.]

STATE OF NEW MEXICO

[COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_]

[CITY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_]

IN THE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COURT

[STATE OF NEW MEXICO]

[CITY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_]

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

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

**WAIVER OF APPEARANCE**

 I understand that I am charged with the following criminal offense or offenses under the law of the [State of New Mexico] [City of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_]:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*list all offenses charged*).

 I understand that I am entitled to personally appear before the court at every stage of the criminal proceedings.

 I have received and read a copy of the complaint or citation or had the complaint or citation read to me. I understand the offense or offenses charged and the penalty provided by law if I am convicted.

 After reading and understanding the above, I request that the court permit me to waive a personal appearance in court for the following proceedings:

(*check applicable boxes*)

[ ] all pretrial proceedings;

[ ] first appearance;

[ ] arraignment;

[ ] entry of a plea of not guilty;

[ ] bail or conditions of release;

[ ] trial;

[ ] imposition of sentence;

[ ] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (other).

(*check, if applicable*)

[ ] I plead not guilty to all of the charges in the complaint or citation.

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

 Signature of defendant

**CERTIFICATE OF DEFENSE COUNSEL**

(*To be completed if the defendant is represented by counsel*)

 I have explained to the defendant the right to personally appear before the court at all stages of the criminal proceedings and the defendant’s right, if any, to a trial by jury and I am satisfied that the defendant understands the waiver of rights.

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

Defense counsel Date

**APPROVAL OF JUDGE**

Permission to waive appearance is

[ ] granted under the following conditions \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*list any conditions*).

[ ] denied.

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

Judge Date

USE NOTES

 1. This form has been prepared for the magistrate, metropolitan, and municipal courts. It may be modified to delete parts which are inapplicable in municipal court proceedings or petty misdemeanors.

[Adopted by Supreme Court Order No. 15-8300-009, effective for all cases filed or pending on or after December 31, 2015.]