

9-104. Waiver of appearance.

[For use with District Court Rule 5-612 NMRA;
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

No. _____

[STATE OF NEW MEXICO]
[CITY OF _____]

v.

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 proceedings in this case;
- all pretrial proceedings;
- arraignment;
- plea;
- bail or conditions of release;
- trial;
- imposition of sentence.
- _____ (other).

I plead to all of the charges in the complaint or citation:

(check one, if applicable)

- guilty.
- not guilty.
- no contest.

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

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

[As amended, effective November 1, 1996; November 1, 2000; May 15, 2003; as amended by Supreme Court Order No. 06-8300-008, effective May 1, 2006.]