

9-601. Judgment and sentence (Commitment or probation).

[For use with Magistrate Court Rules 6-701 and 6-702 NMRA, Metropolitan Court Rules 7-701 and 7-702 NMRA and Municipal Court Rules 8-701 and 8-702 NMRA]

STATE OF NEW MEXICO
[COUNTY OF _____]
[CITY OF _____]
_____ COURT

No. _____

[STATE OF NEW MEXICO]
[COUNTY OF _____]
[CITY OF _____]

v.

_____, Defendant

**JUDGMENT AND SENTENCE
(COMMITMENT OR PROBATION)¹**

On this _____ day of _____, _____, the defendant appeared in person and was represented by attorney _____, (*set forth name of attorney*). _____ (*name of officer or prosecutor*) appeared on behalf of the (*state*) (*city*).
(*Complete one of the following*)

1. PLEA

(*Plea of not guilty*)

The defendant having entered a plea of NOT GUILTY and the (*court*) (*jury*)² finding the defendant GUILTY of the following charge(s) _____

(*Plea of guilty*)

The defendant having entered a plea of:

guilty, the court so finds the defendant guilty of the following charges: _____

no contest, the court accepts the plea as an admission of guilt for the purposes of this action only, of the following charges: _____

2. FINDINGS OF THE COURT DWI CASES

(*complete if applicable*)

THE COURT FINDS:

This conviction is the defendant's
[] first [] second [] third [] fourth or more conviction for driving while under the
influence.

3. **JUDGMENT OF COURT**

IT IS ADJUDGED that the defendant is guilty of (such) (the following) charges
and convicted. *(If the defendant has been found not guilty of one or more
charges, set forth crimes defendant has committed)*

IT IS ADJUDGED that the defendant is not guilty of the following charges:

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that:

(check and complete only applicable boxes)

[] the defendant be committed to the (county) (city) (jail) (detention center)
_____ (specify any other place)
for _____ days with _____ days suspended for a jail term of
_____ days for the crime of _____;
for _____ days with _____ days suspended for a jail term of
_____ days for the crime of _____;
such sentences to run (consecutively) (concurrently).

[] Work release is (authorized) (not authorized).

[] Work release to be served on weekends.

[] The defendant is ordered to report to
_____ by no later than
_____ (a.m.) (p.m.) the _____ day of _____,

[] The defendant shall pay to the (magistrate) (metropolitan) (municipal) court the
following fine(s):

\$ _____ for _____

\$ _____ for _____

[] The defendant shall pay to the (magistrate) (metropolitan) (municipal) court the
following costs and fees:

(complete applicable costs and fees)³

court costs \$ _____

automation fee \$ _____

corrections fee \$ _____

laboratory fee \$ _____

traffic safety fee \$ _____

judicial education fee \$ _____

DWI prevention fee \$ _____

screening & treatment costs \$ _____

brain injury services fee \$ _____

court facilities fee	\$ _____
other _____	\$ _____
Total fees and costs	\$ _____

(complete applicable parts of the following if the sentence is to be deferred or suspended)

- The above sentence is hereby:
 - deferred
 - suspended
 on the following terms and conditions:
 - (*supervised*) (*unsupervised*) probation for _____ days with the following special conditions:
 - the defendant will enter and participate in:
 - an (*alcohol*) (*drug*) treatment program
 - (*alcohol*) (*drug*) screening and complete counseling or other treatment as required by the screening program
 - a first offender program
 - driver improvement school
 - petty larceny school
 - _____ (*other*)
 - the defendant performs _____ (*hours*) (*days*) of community service as follows: _____

- the defendant makes restitution to (*set forth name of person or entity*)

in the amount of \$ _____ on or before the _____ day of _____, _____.

- defendant pays all court costs and fees including: laboratory fees; automation fee; traffic safety fee; corrections fee; DWI school fee; alcohol evaluation screen fees; and counseling fees;
- IT IS FURTHER ORDERED** THAT the defendant's cash bond is to be:
 - returned to defendant
 - applied to the payment of court costs, court fees and fines
- IT IS FURTHER ORDERED** (*other*)

- THE DEFENDANT IS ORDERED TO REPORT TO**
 - Probation services

- Educational services
- (specify other) _____
on or before _____ (a.m.) (p.m.) the _____ day of _____, _____.

(complete if applicable)

- COMMITMENT. THE DEFENDANT IS HEREBY COMMITTED** to the custody of the (county) (city) in _____ (set forth place of detention) for imprisonment for a period of _____ (days) (months), subject to credit for time spent in confinement while awaiting the outcome of these proceedings.

IT IS ORDERED that a copy of this judgment and commitment be delivered to an authorized full-time salaried law enforcement officer, and that this copy be the order of commitment of the defendant.

FAILURE TO COMPLY

FAILURE TO REPORT OR PAY COSTS OR FINES WILL RESULT IN A BENCH WARRANT FOR THE DEFENDANT'S ARREST.

APPEAL

You are hereby advised that you may have a new trial in the district court by filing a notice of appeal within fifteen (15) days from the date of entry of this judgment and sentence. You are further advised that if you appeal you must obtain a trial date before the district court within six (6) months of the date of the filing of the notice of appeal. If your case is not tried by the district court within six (6) months your appeal will be dismissed and this conviction will be affirmed.

APPEAL BOND \$ _____.

OTHER CONDITIONS OF RELEASE.

If the defendant files a notice of appeal, the following additional conditions of release are hereby approved pending appeal to the district court:

Dated _____, _____

Judge

USE NOTES

1. This form may be used in the magistrate, metropolitan and municipal courts. This form, Form 9-602 and Form 9-603 should be modified as appropriate. Provisions in Form 9-603 may be used as part of this form.
2. This form should be modified by municipal courts to eliminate this alternative as there is no right to trial by jury in municipal court.
3. Not all fees and costs are applicable to all courts of limited jurisdiction. See Section 35-14-11 NMSA 1978 for municipal corrections fee; Section 66-8-102 NMSA 1978 for assessment of costs for court ordered alcohol or drug screening and treatment program; Section 31-12-7 NMSA 1978 for magistrate, metropolitan court and

municipal court crime laboratory fee; and Section 35-6-1 NMSA 1978 for magistrate and metropolitan court corrections fee, court automation fee, traffic safety fee, judicial education fee, brain injury services fee, court facilities fee and other fees and costs to be assessed upon conviction.

[As amended, effective September 1, 1989; January 1, 1997; February 1, 1999.]