

9-612. Order on direct criminal contempt.

[For use with District Court Rules 1-093 and 5-112 NMRA, Magistrate Court Rules 2-110, 6-201 and 6-111 NMRA, Metropolitan Court Rules 3-110, 7-201, and 7-111 NMRA, and Municipal Court Rules 8-201 and 8-110 NMRA]

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

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

v. _____ No. _____
_____, Defendant.

ORDER ON DIRECT CRIMINAL CONTEMPT¹

This matter came before the court on _____ (*month/day/year*).
The defendant, _____, was present [pro se] [represented by attorney _____].

THE COURT FINDS that the defendant, in the presence of this court,

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(*State the action which constitutes direct criminal contempt.*)²

The Honorable _____ (*name of judge*) personally observed the contemptuous conduct, which was committed in the judge's presence without the need for further fact finding.

It is adjudged that the defendant is guilty of direct criminal contempt of court.

The defendant is sentenced to:

Confinement: Serve at the _____ detention center for _____ day(s), with _____ day(s) suspended;

Probation: [Supervised] [Unsupervised] probation for _____ day(s);

Probation Conditions:

Fine: \$_____. with \$_____ suspended, for a total of \$_____;

Total fees: \$_____;³

This sentence shall run [consecutive] [concurrent] with the sentence in _____ (*Cause No.*).

The sentence is deferred on the following conditions:

Total Probation [Supervised] [Unsupervised]: _____ Day(s)

Total Fine Sentenced: \$ _____

Total Fees Sentenced: \$ _____

Itemized Fees:

3

Bench Warrant Fees Due as of _____ (date): \$_____ (in addition to fines and fees)

Total Due as of _____ (date): \$_____ To be paid in full within 30 days or per signed payment plan filed with the court.

Judge

USE NOTES

1. This order constitutes a judgment and sentence and must be docketed as a separate criminal matter with a new case number.

2. Include a full statement of the facts and describe any warnings given to the defendant.

3. The magistrate and metropolitan courts should assess and collect court costs and fees on a criminal contempt conviction as set forth in NMSA 1978, Section 35-6-1. The municipal court should assess and collect court costs as set forth in NMSA 1978, Section 35-14-11.

[Adopted by Supreme Court Order No. 09-8300-037, effective November 16, 2009; as amended by Supreme Court Order No. 16-8300-016, effective for all cases pending or filed on or after December 31, 2016.]