**9-409A. Motion to compel discovery.**

[For use with Magistrate Court Rule 6-504 NMRA

and Municipal Court Rule 8-504 NMRA]

STATE OF NEW MEXICO

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

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

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

[STATE OF NEW MEXICO]

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

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

v.

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

**MOTION TO COMPEL DISCOVERY**

The [defendant] [prosecution] has previously requested the following discovery \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*provide description*) and the [defendant] [prosecution] failed to provide the discovery.

The [defendant] [prosecution] requests the court to:

[ ] order the [defendant] [prosecution] to produce the discovery or inspection of materials not previously disclosed.

[ ] grant a continuance of the trial setting on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*date*) to allow the completion of discovery;

[ ] \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*describe other relief*).

I acknowledge that the filing of this motion does not diminish my continuing duty to fully comply with the pretrial scheduling order or rules of procedure.

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

 [Prosecutor] [Defendant]

[Approved by Supreme Court Order No. 07-8300-025, effective November 1, 2007.]