**9-103A. Notice of excusal.**

[For use with Magistrate Court Rule 6-106 NMRA]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

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

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

v.

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

**NOTICE OF EXCUSAL1**

The undersigned hereby notifies the court that the Honorable \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is excused from presiding over the above-captioned case.

Dated this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_.

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

 Party or attorney for the party

**OPTIONAL STIPULATION**

By our signatures below we stipulate that the Honorable \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ be assigned to preside over the above captioned case.

Dated this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_.

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

 Party or attorney for the party

Dated this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_.

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

 Party or attorney for the party

USE NOTES

 1. The parties must stipulate to a statutorily authorized judge.

 2. If the parties agree to request a different judge, the court must be informed of the agreement when the notice of excusal is filed. *See* Rule 6-105 NMRA.

 3. Each party must be served with a copy of this notice. *See* Rule 6-209 NMRA. *See* Criminal Form 9-221 NMRA for the certificate of service and affidavit of service.

[Approved by Supreme Court Order 07-8300-34, effective January 22, 2008.]