

9-804A. Order for extradition on waiver.

[Section 31-4-22 NMSA 1978,
Magistrate Court Rule 6-811 NMRA and
Metropolitan Court Rule 7-811 NMRA]

STATE OF NEW MEXICO
COUNTY OF _____
_____ COURT

No. _____

STATE OF NEW MEXICO

v.

_____, Defendant

ORDER FOR EXTRADITION ON WAIVER

The defendant appeared before the above court on the _____ day of _____, _____, pursuant to Section 31-4-22 NMSA 1978 and the court advised the defendant that:

1. the defendant has been arrested for having committed _____ (*set forth criminal offense*) in the County of _____, State of _____;
2. the above county and state have demanded the defendant be returned to that state;
3. the defendant has a right to extradition on an arrest warrant issued by the governor of this state;
4. the defendant has a right to retain the assistance of counsel; and
5. the defendant has a right to appear before the district court on a writ of habeas corpus to test the legality of the defendant's arrest.

The defendant, after being advised of the above rights, consented to return to the demanding state and signed a waiver of extradition.

IT IS, THEREFORE, ORDERED that the above defendant be extradited to the demanding state and ordered held without bond pending delivery to the agent of the demanding state.

IT IS FURTHER ORDERED that the officer in custody of the defendant deliver the defendant to the agent of the demanding state together with a copy of this order and the waiver of extradition. The authorities of the demanding state shall take custody of the defendant not later than _____ (date).

Judge

USE NOTES

A copy of this order and a copy of the defendant's consent to extradition is mailed by the court to the governor.

[Adopted, effective October 1, 1996.]