**9-208. Criminal summons.**

[For use with District Court Rules 5-208, 5-209 NMRA,

Magistrate Court Rules 6-204, 6-205 NMRA,

Metropolitan Court Rules 7-204, 7-205 NMRA and

Municipal Court Rules 8-203, 8-204 NMRA]

STATE OF NEW MEXICO

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

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

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

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

[STATE OF NEW MEXICO]

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

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

v.

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

**CRIMINAL SUMMONS**

 To: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*Defendant*)

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*Address*)

 You are notified that a Complaint, a copy of which is attached hereto, has been filed in this court charging that you committed the offense of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*common name and description of offense charged*).

 You are ordered to appear before the undersigned on the \_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_, at \_\_\_\_\_\_\_\_\_\_ m. at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the (*County of*) (*City of*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ State of New Mexico, to plead to the above charge(s).

 If you fail to appear at the time and place specified, a warrant will be issued for your arrest.

 Service of this summons shall be by: (*personal service*) (*mail*).

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

 Judge or Clerk

Name of the Law Enforcement Entity

Filing the Criminal Complaint

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

BY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Prosecuting Attorney

 Law Enforcement Officer

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

Address

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

**CERTIFICATE OF MAILING**

 I certify that I mailed a copy of the Summons and a copy of the Complaint in the above-styled cause to the defendant at the above address on the \_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_.

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

 Signature

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

 Title (*if any*)

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

 Date

**RETURN**

STATE OF NEW MEXICO )

 ) ss.

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

(*check one box and fill in appropriate blanks*)

(*if full-time salaried law enforcement officer*)

[ ] I certify that I served the above Summons on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ this \_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_, by delivering a copy thereof, with copy of complaint attached, in the (*county*) (*municipality*) named above in the following manner:

[ ] I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, being duly sworn, upon my oath, say that I am over the age of eighteen (18) years and that I served the within summons the \_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_, by delivering a copy thereof, with a copy of complaint attached, in the (*county*) (*municipality*) named above in the following manner:

(*check one box and fill in appropriate blanks*)

[ ] to the defendant

(*if the defendant was absent*)

[ ] to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of person*), a person over the age of fifteen (15) residing at the usual place of abode of defendant

(*if no person is found at defendant's dwelling*)

[ ] by posting a copy on the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (*describe place — most public part of premises*)

(*if a corporation*)

[ ] to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of officer and title*) of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*corporation*)

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

 Signature [of Affiant]

 of Person Making Service

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

 Title (*if any*)

\* Subscribed and sworn to before me

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

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

Judge, Notary Public or Other Officer

Authorized to Administer Oaths

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

Official Title

If Notary Public:

My commission expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\* If service is made by a full-time salaried law-enforcement officer, the signature of such officer need not be notarized.

[As amended, effective July 1, 1988; January 1, 1990.]