

9-415.1. Notice of dismissal – DWI felony and non-felony cases.

[For use with Magistrate Court Rule 6-506.1 NMRA, Metropolitan Court Rule 7-506.1 NMRA and Municipal Court Rule 8-506.1 NMRA]

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

v. _____ No. _____
_____, Defendant.

NOTICE OF DISMISSAL (DWI)

The above-captioned case is a
(check applicable alternative)

- DWI FELONY CASE
- DWI NON-FELONY CASE

The criminal complaint filed in this case is dismissed without prejudice pending further investigation.

Notice to Defendant: This dismissal does not affect any license revocation proceedings by the Motor Vehicle Division (MVD). License revocation proceedings are separate from the criminal case. If you received a Notice of Revocation, you must contact MVD and comply with that notice.

The state may refile the same criminal charges, or others resulting from the same incident, at a later time. In case charges are refiled, you must ensure that the court has your current contact information (mailing address, phone number, and email) to avoid a bench warrant being issued for your arrest. If your contact information changes at any time, please notify the court as soon as possible.

Prosecutor

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, _____ this notice was

[mailed by United States mail, postage prepaid, and addressed to:
Name: _____
Address: _____
City, State and Zip Code: _____]

[faxed by _____ (*name of person who faxed*) to the defendant. The transmission was reported as complete and without error. The time and date of the transmission was _____ [a.m.] [p.m.] on _____ (*date*).]

[e-mailed by _____ (*name of person who transmitted*) to _____ at _____ (*electronic address of recipient*) which is the address on file with the clerk of the Supreme Court. The transmission was successful. The time and date of the transmission was _____ [a.m.] [p.m.] on _____ (*date*).]

Signature of Attorney

Date of signature

If this notice was served by a person other than an attorney, the following must also be completed and filed with the court.

AFFIDAVIT OF SERVICE

I declare under penalty of perjury that a copy of this notice of dismissal was served by [mail] [fax] [electronic transmission] as described above on this _____ day of _____, _____.

Signature of person who made service

Subscribed and sworn to before me
this _____ day of _____, _____.

Judge, notary or other officer
authorized to administer oaths

Official title

USE NOTES

This form may be used to dismiss or *nolle prosequi* a felony or non-felony DWI case without prejudice.

[Adopted by Supreme Court Order No. 22-8300-011, effective for all cases pending or filed on or after July 25, 2022.]