**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.

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| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  |
| 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*).]

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| --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  |
| 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.]