

9-403B. Conditional order of appointment; contract defense counsel.

[Section 35-5-8 NMSA 1978]

STATE OF NEW MEXICO
COUNTY OF _____

COURT

STATE OF NEW MEXICO
COUNTY OF _____,

v. No. _____

, Defendant.

CONDITIONAL ORDER OF APPOINTMENT¹
CONTRACT DEFENSE COUNSEL

This matter having come before the court, the court finds:

(please check appropriate box or boxes)

THE COURT FINDS THAT:

The defendant is incarcerated.
 The defendant is not incarcerated.

THE COURT FURTHER FINDS THAT:

The defendant is indigent and unable to obtain counsel.

IT IS THEREFORE ORDERED THAT:

The Law Offices of the Public Defender is appointed to represent the defendant in the above-entitled case.
 _____, an attorney on contract with the [Law Offices of the Public Defender] [City of _____], shall represent the defendant in the above-entitled case.

IT IS FURTHER ORDERED THAT:

The application fee is waived.
 The application fee is required.

Judge

CERTIFICATE OF MAILING

I certify that I mailed a copy of this order to the above-named defendant at _____ (*set forth address*), and to the Law Offices of the Public Defender on the _____ day of _____, _____.

Date

(Judge) (Clerk)

USE NOTES

1. This form may be used in municipal courts and in magistrate court jurisdictions where the Law Offices of the Public Defender does not have a physical office and relies on appointed contract attorneys to represent indigent defendants. In jurisdictions where the Law Offices of the Public Defender has a physical office, magistrate courts should use Form 9-403A NMRA.

[Adopted by Supreme Court Order No. 15-8300-006, effective for all cases pending or filed on or after December 31, 2015; as amended by Supreme Court Order No. 21-8300-023, effective for all cases pending or filed on or after December 31, 2021.]