**9-104A. Request for audio or audio-visual appearance.**
[For use with Magistrate Court Rule 6-110A NMRA,
Metropolitan Court Rule 7-110A NMRA and
Municipal Court Rule 8-109A NMRA]

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

                      No. _____

[STATE OF NEW MEXICO]
[CITY OF _____]

v.

_____, Defendant

## REQUEST FOR AUDIO OR
## AUDIO-VISUAL APPEARANCE

      I understand that I am charged with the following criminal offense or offenses under the law of the [State of New Mexico] [City of _____]: (*list all offenses charged*) _____.

      I understand that I am entitled to personally appear before the court at every stage of the criminal proceedings.

      I request that the court permit me to appear in court by:

(*check applicable alternative*)
[ ]     telephone or other audio communication
[ ]     simultaneous audio-visual communication

for the following proceedings:
(*check applicable boxes*)
[ ]     all proceedings in this case;
[ ]     all pretrial proceedings in this case;
[ ]     entry of a plea; [and]
[ ]     setting or amending bail or conditions of release; [and]
[ ]     trial; [and]
[ ]     imposition of sentence.

                               _____
                               Signature of defendant

## CERTIFICATE OF DEFENSE COUNSEL
(*To be completed if the defendant is represented by counsel.*)

       I have explained to the defendant the right to personally appear before the court at all stages of the criminal proceedings and the defendant's right, if any, to a trial by jury and I am satisfied that the defendant understands the waiver of rights.


_____         _____

Defense counsel                         Date

## APPROVAL OR DENIAL OF JUDGE

[ ]    The request of the defendant to appear by audio or audio-visual communication is denied.

[ ]    The request of the defendant to appear by audio or audio-visual means is granted. The defendant shall arrange and pay for the actual costs of all audio or audio-visual appearances. An [audio] [audio-visual] appearance is scheduled for _____ (a.m.) (p.m.) on the _____ day of _____, _____ (*date*). [The (*state*) (*county*) (*city*) shall participate at (_____) _____ (*telephone number*) and the court will participate at (_____) _____ (*telephone number*)].


_____

Judge

_____

Date

## USE NOTES

       This form has been prepared for the magistrate, metropolitan and municipal courts. It may be modified to delete parts which are inapplicable in municipal court proceedings or petty misdemeanors.

[Approved, effective November 1, 2000; as amended, effective May 15, 2003.]