

9-405B. Waiver of arraignment; entry of plea of not guilty.

[For use with Magistrate Court Rule 6-501 NMRA and
Municipal Court Rule 8-501 NMRA]

STATE OF NEW MEXICO
[COUNTY OF _____]
_____ COURT

[STATE OF NEW MEXICO]
[COUNTY OF _____]

v.

No. _____

_____, Defendant.

WAIVER OF ARRAIGNMENT¹
ENTRY OF PLEA OF NOT GUILTY
*(For cases within magistrate or
municipal court trial jurisdiction)*

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

I understand that I am entitled to personally appear before the court and enter my plea to the crime or crimes charged and to have my rights explained to me.

I hereby acknowledge receipt of a copy of the complaint or citation, which I have read and had explained to me by defense counsel, if any. I understand the crime or crimes charged and the penalty provided by law for the crime or crimes charged.

I further understand that: I have a right to bail; I have a right to the assistance of an attorney at all stages of the proceeding, and that I may be entitled to an appointed attorney, to be furnished free of charge, if I cannot afford one; I have a right to confront the witnesses against me and to cross-examine them as to the truthfulness of their testimony; I have a right to present evidence on my own behalf and to have the prosecution compel witnesses of my choosing to appear and testify; I have a right to remain silent and that any statement made by me may be used against me; I have a right to trial before a judge or jury; and that the prosecution must prove my guilt of the crime charged beyond a reasonable doubt for me to be found guilty.

After reading and understanding the above, I hereby give up my right to personally appear before the court for arraignment and I hereby enter a plea of not guilty to all criminal offenses charged in the above-styled cause.

I understand that any conditions of release previously imposed remain in effect.

I further understand that the court may impose additional conditions of release, and, if no conditions of release have been previously set, the court may impose conditions of release and may require me to attend a hearing to address conditions of release.

Date

Name of Defendant

(To be completed by the defendant's attorney, if any)

I have explained to the defendant the defendant's right to personally appear before the court to enter a plea of not guilty and to have the defendant's rights explained to the defendant by the judge, and I am satisfied that the defendant understands the waiver of this right.

I certify that I served a copy of this waiver on opposing counsel. I also certify that:

if conditions of release were previously imposed, a copy of the order imposing those conditions of release is attached to this waiver; or

the parties have entered into a stipulated order setting conditions of release, which is attached to this waiver for the court's approval; or

the parties request a hearing to consider conditions of release.

Date

Defense counsel

Date

Judge

USE NOTES

This waiver must be served on the state in time for the state to notify victims and others that an arraignment will not be held. This waiver shall not be filed and is not effective unless signed by the judge.

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