

**9-408C. Conditional plea.**

[For use with District Court Rule 5-304 NMRA]

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
IN THE DISTRICT COURT

No. \_\_\_\_\_

STATE OF NEW MEXICO

v.

\_\_\_\_\_, Defendant.

**CONDITIONAL PLEA**

I, \_\_\_\_\_ (*name of defendant*), with the approval of the court, am entering a plea of [guilty] [no contest] to \_\_\_\_\_.

The maximum penalties for the above charges are (*set forth offense and statutory sentence*):

- Count 1. \_\_\_\_\_
- Count 2. \_\_\_\_\_
- Count 3. \_\_\_\_\_

I understand my plea is conditioned upon the filing of an appeal on the issue of \_\_\_\_\_ (*describe pretrial motion upon which appeal will be based*).

I understand that, if the judge approves my plea of [guilty] [no contest], a judgment and sentence will be entered and that I may appeal on the issue specified above in the manner provided by the Rules of Appellate Procedure.

I understand that if I win my appeal on the issue specified above, that I may withdraw my plea of [guilty] [no contest].

I understand that a conviction may have an effect upon my immigration or naturalization status, and I acknowledge that, if I am represented by an attorney, my attorney has advised me of the immigration consequences of this plea agreement.

*(Domestic violence or felony cases only.)*

I understand that an entry of a plea for a crime of domestic violence or felony will affect my constitutional right to bear arms, including shipping, receiving, possessing or owning any firearm or ammunition, all of which are crimes punishable under federal law for a person convicted of domestic violence.

I understand that a conviction may require me to register as a sex offender under the Sex Offender Registration and Notification Act [Sections 29-11A-1 to -10 NMSA 1978] and I acknowledge that, if I am represented by an attorney, my attorney has advised me of the requirement to register.

I have read and understand the above. I have discussed the case and my constitutional rights with my lawyer. I understand that by pleading [guilty] [no contest], if my plea is not later withdrawn, I will be giving up my right to a trial by jury, to confront, cross-examine, and compel the attendance of witnesses, and my privilege against self-incrimination. I agree to enter my plea as indicated above on the terms and conditions set forth herein.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant

**DEFENSE COUNSEL REVIEW**

I have reviewed the plea and disposition agreement with my client. I have discussed this case with my client and I have advised my client of my client's constitutional rights and possible defenses.

\_\_\_\_\_  
Defense counsel

\_\_\_\_\_  
Date

**PROSECUTOR APPROVAL**

I have reviewed and approve this plea and disposition agreement and find that it is appropriate and consistent with the best interests of justice.

\_\_\_\_\_  
Prosecutor

\_\_\_\_\_  
Date

Approved:

\_\_\_\_\_  
District Judge

[Adopted, effective January 15, 1998; as amended by Supreme Court Order No. 07-8300-029, effective December 10, 2007; by Supreme Court Order No. 10-8300-028, effective December 3, 2010.]