

**9-104C. Waiver of appearance.**

[For use with Magistrate Court Rule 6-109 NMRA,  
Metropolitan Court Rule 7-109 NMRA,  
and Municipal Court Rule 8-108 NMRA.]

STATE OF NEW MEXICO  
[COUNTY OF \_\_\_\_\_]  
[CITY OF \_\_\_\_\_]  
IN THE \_\_\_\_\_ COURT

[STATE OF NEW MEXICO]  
[CITY OF \_\_\_\_\_]

v.

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

\_\_\_\_\_

**WAIVER OF 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 have received and read a copy of the complaint or citation or had the complaint or citation read to me. I understand the offense or offenses charged and the penalty provided by law if I am convicted.

After reading and understanding the above, I request that the court permit me to waive a personal appearance in court for the following proceedings:

*(check applicable boxes)*

- all pretrial proceedings;
- first appearance;
- arraignment;
- entry of a plea of not guilty;
- bail or conditions of release;
- trial;
- imposition of sentence;
- \_\_\_\_\_ (other).

*(check, if applicable)*

- I plead not guilty to all of the charges in the complaint or citation.

\_\_\_\_\_

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 OF JUDGE**

Permission to waive appearance is

granted under the following conditions \_\_\_\_\_ *(list any conditions).*

denied.

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Date

**USE NOTES**

1. 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.

[Adopted by Supreme Court Order No. 15-8300-009, effective for all cases filed or pending on or after December 31, 2015.]