

9-417. Witness list.

[For use with Magistrate Court Rule 6-504,
Metropolitan Court Rule 7-504 and
Municipal Court Rule 8-504]

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

No. _____

[STATE OF NEW MEXICO]
[CITY OF _____]

v.

_____, Defendant

WITNESS LIST

The [prosecution] [defendant] notifies the opposing party that the following potential witnesses may be called to testify at trial.

Name	Address ¹	Tel. No. ¹	Statement ²	
			(yes)	(no)
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

EXHIBIT LIST

The [prosecution] [defendant] notifies the opposing party that the following exhibits may be used at trial.

Exhibit ²	Location of exhibit
_____	_____
_____	_____
_____	_____

Signature

Title

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, _____ this notice was

[mailed by United States first class mail, postage prepaid, and addressed to:

Name:

Address: _____
City, State and zip code: _____]

[faxed by _____ (*name of person who faxed*) document to _____ (*name of recipient*). The transmission was reported as complete and without error. The time and date of the transmission was _____ [a.m.] [p.m.] on _____ (*date*).]

[e-mailed by _____ (*name*) at _____ (*electronic address of recipient*) which address is on file with the clerk of the Supreme Court for service by electronic mail. The transmission was successful. The time and date of the transmission was _____ [a.m.] [p.m.] on _____ (*date*).]

[delivered to _____. (*If delivered to someone other than the party, describe how service was made.*) _____⁴]

Signature of attorney

Date of signature

If this notice was served by a person other than an attorney, the following must also be completed and filed with the court:

AFFIDAVIT OF SERVICE³

I declare under penalty of perjury that a copy of this paper was served by [mail] [fax] [electronic transmission] as described above on this _____ day of _____, _____.

Signature of person who made service

Subscribed and sworn to before me
this _____ day of _____, _____.

Judge, notary or other officer
authorized to administer oaths

Official title

USE NOTES

1. Provide the address and telephone number to be used to contact the witness. This address may be the address and telephone number of the district attorney or defense counsel.

2. All witness statements and exhibits shall be disclosed and made available for inspection and copying as provided by the rules of criminal procedure. Statements and exhibits are not filed with the court unless entered into evidence.

3. The certificate of service information must also be completed except for the signature lines.

4. In addition to service by mail, fax and e-mail, Rules 2-203 and 3-303 NMRA permit service by delivery to a party by any of the following means:

- (a) handing it to the attorney or to the party;
- (b) leaving it at the attorney's or party's office with a clerk or other person in charge, or, if there is no one in charge, leaving it in a conspicuous place in the office;
- (c) if the person to be served has no office, leaving it at the person's dwelling house or usual place of abode with some person of suitable age and discretion residing there; or
- (d) placing a copy in a box maintained by the attorney for purposes of serving the attorney.

[Approved, effective December 17, 2001.]