

**9-415. Notice of dismissal – felony and non-felony cases.**

[For use with Magistrate Court Rule 6-506.1 NMRA, Metropolitan Court Rule 7-506.1 NMRA and Municipal Court Rule 8-506.1 NMRA]

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

v. \_\_\_\_\_, Defendant. No. \_\_\_\_\_

**NOTICE OF DISMISSAL**

The above-captioned case is a  
(check applicable alternative)

- FELONY CASE
- NON-FELONY CASE

The criminal complaint filed in this case is dismissed without prejudice pending further investigation.

**Notice to Defendant:** The state may refile the same criminal charges, or others resulting from the same incident, at a later time. In case charges are refiled, you must ensure that the court has your current contact information (mailing address, phone number, and email) to avoid a bench warrant being issued for your arrest. If your contact information changes at any time, please notify the court as soon as possible.

\_\_\_\_\_  
Prosecutor

**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ this notice was

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

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State and Zip Code: \_\_\_\_\_]

[faxed by \_\_\_\_\_ (*name of person who faxed*) to the defendant. 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 of person who transmitted*) to \_\_\_\_\_ at \_\_\_\_\_ (*electronic address of recipient*) which is the address on file with the clerk of the Supreme Court. The transmission was successful. The time and date of the transmission was \_\_\_\_\_ [a.m.] [p.m.] on \_\_\_\_\_ (*date*).]

\_\_\_\_\_  
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 SERVICE**

I declare under penalty of perjury that a copy of this notice of dismissal 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**

This form may be used to dismiss or *nolle prosequi* a felony or non-felony case without prejudice.

[As amended, effective August 1, 1999; as amended by Supreme Court Order No. 13-8300-020, effective for all cases pending or filed on or after December 31, 2013; as amended by Supreme Court Order No. 22-8300-011, effective for all cases pending or filed on or after July 25, 2022.]