

**9-405A. Waiver of first appearance.**

[For use with Magistrate Court Rule 6-501 NMRA,  
and Metropolitan Court Rule 7-501 NMRA]

STATE OF NEW MEXICO  
[COUNTY OF \_\_\_\_\_]  
\_\_\_\_\_ COURT

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

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

v.

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

**WAIVER OF FIRST APPEARANCE**

*(For cases not within magistrate or  
metropolitan 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 [magistrate]  
[metropolitan] court to have my rights explained to me.

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

I understand that entry of a plea agreement may have an effect upon my immigration or naturalization status, as well as my legal rights and personal opportunities, and I acknowledge that, if I am represented by an attorney, my attorney has advised me of the immigration consequences of a 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 entry of this plea agreement may require me to register as a sex offender under the Sex Offender Registration and Notification Act [29-11A-1 NMSA 1978], and I acknowledge that, if I am represented by an attorney, my attorney has advised me of the requirement to register.

I further understand that: I have a right to bail; I have a right to trial by jury; I have a right to the assistance of an attorney at all stages of the proceeding, and to an appointed attorney, to be furnished free of charge, if I cannot afford one; I have the right to remain silent and understand that any statement made by me may be used against me; and I have a right to a preliminary hearing.

After reading and understanding the above, I hereby give up my right to personally appear before the above court for a first appearance to have my rights explained and bail set or reviewed.

\_\_\_\_\_  
Name of Defendant

\_\_\_\_\_  
Date

I have explained to the defendant his right to personally appear before the above court and have his rights explained to him by the judge and I am satisfied that he understands the waiver of this right.

\_\_\_\_\_  
Defense Counsel

\_\_\_\_\_  
Date

[Approved effective September 1, 1990; as amended by Supreme Court Order No. 07-8300-030, effective December 15, 2007.]