

1 9-601

2 [6-701, 7-701, 7-702 8-701, 8-702]

3 STATE OF NEW MEXICO
4 (COUNTY OF _____)
5 (CITY OF _____)

6
7 IN THE _____ COURT

8
9
10 (STATE OF NEW MEXICO)
11 (CITY OF _____)

12
13 v. No. _____

14
15 John Doe

16
17 **JUDGMENT AND SENTENCE**
18 **(COMMITMENT OR PROBATION)¹**

19
20 On this ___ day of _____, _____, the defendant
21 appeared in person and was represented by attorney
22 _____, (*set forth name of attorney*).
23 _____ (*name of officer or prosecutor*)
24 appeared on behalf of the (State) (City).

25
26 (*Complete one of the following*)

27
28 **1. PLEA**

29
30 (*Plea of not guilty*)

31
32 The defendant having entered a plea of NOT GUILTY and
33 the (court) (jury)² finding the defendant GUILTY of the
34 following charge(s) _____
35 _____

36
37 (*Plea of guilty*)

38
39 The defendant having entered a plea of:

40
41 [] guilty, the court so finds the defendant guilty of
42 the following charges: _____
43 _____

44
45
46 [] no contest, the court accepts the plea as an
47 admission of guilt for the purposes of this action
48 only, of the following charges:

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2. FINDINGS OF THE COURT DWI CASES

(complete if applicable)

THE COURT FINDS:

This conviction is the defendant's

first second third fourth or more
conviction for driving while under the influence.

3. JUDGMENT OF COURT

IT IS ADJUDGED that the defendant is guilty of (such)
(the following) charges and convicted. *(If the
defendant has been found not guilty of one or more
charges, set forth crimes defendant has committed)*

IT IS ADJUDGED that the defendant is not guilty of the
following charges: _____

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that:

(check and complete only applicable boxes)

the defendant be committed to the (county) (city)
(jail) (detention center) _____ *(specify any
other place)*

for _____ days with ____ days suspended for a jail
term of _____ days for the crime of
_____;

for ____ days with ____ days suspended for a jail term
of _____ days for the crime of _____;

such sentences to run (consecutively) (concurrently).

Work release is (authorized) (not authorized).

Work release to be served on weekends.

1 [] The defendant is ordered to report to _____
2 _____ by no later than _____
3 (a.m.) (p.m.) the _____ day of _____, _____.
4

5 [] The defendant shall pay to the (magistrate)
6 (metropolitan) (municipal) court the following fine(s):
7 \$_____ for _____
8 \$_____ for _____
9

10 [] The defendant shall pay to the (magistrate)
11 (metropolitan) (municipal) court the following costs
12 and fees:

13 *(complete applicable costs and fees)*³

14	court costs	\$_____
15	automation fee	\$_____
16	corrections fee	\$_____
17	laboratory fee	\$_____
18	traffic safety fee	\$_____
19	judicial education fee	\$_____
20	DWI prevention fee	\$_____
21	screening & treatment costs	\$_____
22	brain injury services fee	\$_____
23	court facilities fee	\$_____
24	other _____	\$_____

25
26
27 Total fees and costs \$_____

28
29 *(complete applicable parts of the following if the sentence*
30 *is to be deferred or suspended)*

31
32 [] The above sentence is hereby:

33 [] deferred

34 [] suspended

35
36
37 on the following terms and conditions:

38
39 [] (supervised) (unsupervised) probation for
40 _____ days with the following special conditions:

41 [] the defendant will enter and participate in:

42 [] an (alcohol) (drug) treatment program

43 [] (alcohol) (drug) screening and complete
44 counseling or other treatment as required by
45 the screening program
46
47

- 1 [] a first offender program
2 [] driver improvement school
3 [] petty larceny school
4 [] _____ (other)
5
6 [] the defendant performs _____(hours)
7 (days) of community service as follows:
8 _____
9 _____
10
11 [] the defendant makes restitution to (set
12 forth name of person or entity)
13 _____
14 _____
15 in the amount of \$_____ on or before
16 the ___ day of _____, ____.
17
18 [] defendant pays all court costs and fees
19 including: laboratory fees; automation
20 fee; traffic safety fee; corrections
21 fee; DWI school fee; alcohol evaluation
22 screen fees; and counseling fees;
23
24 [] IT IS FURTHER ORDERED THAT the defendant's cash bond is
25 to be:
26
27 [] returned to defendant
28
29 [] applied to the payment of court costs, court fees
30 and fines
31
32 [] IT IS FURTHER ORDERED (other)_____
33 _____
34
35 [] THE DEFENDANT IS ORDERED TO REPORT TO
36 [] PROBATION SERVICES
37 [] EDUCATIONAL SERVICES
38 [] (SPECIFY OTHER) _____
39 ON OR BEFORE _____(A.M.) (P.M) THE _____DAY OF
40 _____, ____.
41
42 (complete if applicable)
43
44 [] COMMITMENT. THE DEFENDANT IS HEREBY COMMITTED to the
45 custody of the (county) (city) in _____
46 (set forth place of detention) for imprisonment for a
47 period of _____ (days) (months), subject to

1 credit for time spent in confinement while awaiting the
2 outcome of these proceedings.

3
4 IT IS ORDERED that a copy of this judgment and
5 commitment be delivered to an authorized full-time
6 salaried law enforcement officer, and that this copy be
7 the order of commitment of the defendant.
8

9 **FAILURE TO COMPLY**

10
11 FAILURE TO REPORT OR PAY COSTS OR FINES WILL RESULT IN A
12 BENCH WARRANT FOR THE DEFENDANT'S ARREST.
13

14 **APPEAL**

15
16 YOU ARE HEREBY ADVISED THAT YOU MAY HAVE A NEW TRIAL IN THE
17 DISTRICT COURT BY FILING A NOTICE OF APPEAL WITHIN FIFTEEN
18 (15) DAYS FROM THE DATE OF ENTRY OF THIS JUDGMENT AND
19 SENTENCE. YOU ARE FURTHER ADVISED THAT IF YOU APPEAL YOU
20 MUST OBTAIN A TRIAL DATE BEFORE THE DISTRICT COURT WITHIN
21 SIX (6) MONTHS OF THE DATE OF THE FILING OF THE NOTICE OF
22 APPEAL. IF YOUR CASE IS NOT TRIED BY THE DISTRICT COURT
23 WITHIN SIX (6) MONTHS YOUR APPEAL WILL BE DISMISSED AND THIS
24 CONVICTION WILL BE AFFIRMED.
25

26
27 **APPEAL BOND** \$_____.

28
29 **OTHER CONDITIONS OF RELEASE.**

30
31 If the defendant files a notice of appeal, the
32 following additional conditions of release are hereby
33 approved pending appeal to the district court:
34 _____
35

36
37 Dated _____, _____

38
39 _____
40 Judge

41
42 **USE NOTES**

- 43
44 1. *This form may be used in the magistrate,*
45 *metropolitan and municipal courts. This*
46 *form, Form 9-602 and Form 9-603 should be*
47 *modified as appropriate. Provisions in Form*
48 *9-603 may be used as part of this form.*

1 2. *This form should be modified by municipal*
2 *courts to eliminate this alternative as there*
3 *is no right to trial by jury in municipal*
4 *court.*

5
6 3. *Not all fees and costs are applicable to all*
7 *courts of limited jurisdiction. See Section*
8 *35-14-11 NMSA 1978 for municipal corrections*
9 *fee; Section 66-8-102 NMSA 1978 for*
10 *assessment of costs for court ordered alcohol*
11 *or drug screening and treatment program;*
12 *Section 31-12-7 NMSA 1978 for magistrate,*
13 *metropolitan court and municipal court crime*
14 *laboratory fee; and Section 35-6-1 NMSA 1978*
15 *for magistrate and metropolitan court*
16 *corrections fee court automation fee, traffic*
17 *safety fee, judicial education fee, brain*
18 *injury services fee, court facilities fee and*
19 *other fees and costs to be assessed upon*
20 *conviction.*

21
22 [As amended, effective September 1, 1989; January 1, 1997;
23 February 1, 1999.]

24 DBD::DB2::st execute failed: [IBM][CLI Driver][DB2/6000]
25 SQL0530N The insert or update value of the FOREIGN KEY
26 "DBUSER.BILLDETAIL.SQL980508102800170" is not equal to any
27 value of the parent key of the parent table. SQLSTATE=23503
28