

1 **9-618. [~~Order finding no violation of probation.~~ Order on probation violation hearing.**

2
3 [For use with Magistrate Court Rule 6-802 NMRA,
4 Metropolitan Court Rule 7-802 NMRA, and
5 Municipal Court Rule 8-802 NMRA]

6
7 STATE OF NEW MEXICO
8 [COUNTY OF _____]
9 [CITY OF _____]
10 _____ COURT

11
12 [STATE OF NEW MEXICO]
13 [COUNTY OF _____]
14 [CITY OF _____]

15
16 v. _____ No. _____
17
18 _____, Defendant.

19
20 **~~[ORDER FINDING NO VIOLATION OF PROBATION]~~ ORDER ON PROBATION**
21 **VIOLATION HEARING**

22
23 This matter came before the court on _____ (date), on an allegation
24 that Defendant violated probation. Defendant appeared in person and with counsel,
25 _____ (name of counsel), or waived counsel. The prosecution was
26 represented by _____ (name and title).

27
28 Defendant, having [] admitted the probation violation [] denied the probation violation
29 and a hearing having been held, the court FINDS that Defendant [] violated [] did not violate
30 probation.

31
32 [~~The Court having heard the evidence, FINDS that Defendant did not violate probation.~~]
33 **THE COURT FURTHER FINDS:**

34 That the original sentence was [] suspended [] deferred [] conditionally discharged
35 and the charges were sentenced [] concurrently [] consecutively (if consecutively, each charge
36 must be addressed).

37 [] Defendant was a fugitive from justice and may have up to _____ days added as
38 absconder time.

39
40 **It is hereby ORDERED, ADJUDGED, AND DECREED** that: [~~all provisions of the~~
41 ~~original Judgment and Sentence remain in effect. Defendant shall be continued on probation~~
42 ~~with probation conditions as originally imposed.~~]

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- 1 Defendant is continued on probation as originally imposed in the judgment and
2 sentence.
- 3 Defendant shall be released from custody for this cause.
- 4 Defendant shall report to probation services immediately on release from custody.
- 5 Absconder time of _____ days shall be added to the original probation end date.
- 6
- 7 Defendant's probation is revoked and a new sentence is imposed as follows:
- 8 Defendant shall be given credit for _____ days on probation and _____ days in jail.
- 9 Defendant shall be sentenced to _____ days in _____ (detention facility) with
10 _____ days suspended, leaving _____ days to serve.
- 11 Defendant is hereby remanded to _____ (detention facility).
- 12 Defendant shall report to the _____ (detention facility) on or before
13 _____ (date) by _____ (time) to serve _____ days.
- 14 Work release is authorized.
- 15 This sentence shall be served on weekends.
- 16 Defendant shall be placed on _____ days of supervised unsupervised probation
17 to begin on _____ (date).
- 18
- 19 All provisions of the original judgment and sentence not specifically modified herein remain
20 in effect, with the following additional probation requirements:
- 21 Defendant shall report to probation services immediately on release from custody.
- 22 Defendant shall complete drug/alcohol screening within _____ days and follow any
23 recommended treatment.
- 24 Defendant shall apply within _____ days, be screened, and if accepted, enter and
25 successfully complete Drug Court.
- 26 Defendant shall complete a behavioral health assessment and follow any
27 recommended treatment.
- 28 Defendant shall participate in random urinalysis for _____ days or as recommended.
- 29 Defendant shall enroll into Batterer's Intervention program within _____ days.
- 30 Defendant shall enroll into intensive, outpatient counseling program within _____ days.
- 31 Restitution, to be determined by probation officer, to be paid in full within _____ days.
- 32 Other _____.
- 33
- 34 Defendant's probation is revoked. Defendant is hereby remanded to _____
35 (detention facility) for _____ days, with _____ days of presentence confinement credit toward jail
36 sentence with _____ days remaining to be served.
- 37
- 38 Defendant may be furloughed to serve jail sentence in an approved rehabilitative treatment
39 program. If Defendant is terminated from program, or voluntarily leaves program, Defendant
40 shall report to _____ (detention facility) immediately, but not later than twenty-four (24)
41 hours of leaving program. If Defendant fails to report to the detention facility within twenty-four
42 (24) hours of leaving program, a bench warrant for failing to comply will be issued and

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1 Defendant will go back into custody to serve remaining sentence; Defendant may also be
2 prosecuted for an escape from jail charge.

3 Defendant to be transported by _____ (agency) to rehabilitation program.

4 OR

5 Defendant to be transported by private party _____ (party) to the rehabilitation
6 program. Defendant may be released to _____ (party) for transport once proof of
7 acceptance into an approved rehabilitation program is provided to the court or probation services.
8 A copy must be provided to the _____ (detention facility) prior to release.

9
10 Defendant shall receive an UNSATISFACTORY discharge from probation.

11 The fine of \$ _____ is imposed and shall be assessed suspended partially
12 suspended, with \$ _____ suspended. Defendant shall receive credit for \$ _____ already paid,
13 leaving a balance of \$ _____ (may include a bench warrant fee) to be paid in thirty (30) days
14 or per payment plan.

15 Jail in lieu of fines, fees, and costs beginning _____ (date) for _____ days.

16 Jail in lieu of fine shall run concurrent or consecutive to other jail sentence herein.

17 Community service in lieu of fines, fees, and costs. Defendant shall complete _____ hours by
18 _____ (date).

19
20 **IT IS ORDERED** that a copy of this order and commitment be delivered to the _____
21 (detention facility).

22
23 **FAILURE TO COMPLY**

24 Failure to report, comply with the conditions of probation, or pay costs or fines will result in a
25 bench warrant for Defendant's arrest.

26
27 **APPEAL**

28 Defendant is hereby advised that this Order on Probation Violation Hearing may be appealed to
29 the district court by filing a notice of appeal in the district court within fifteen (15) days from the
30 date of entry of this Order. In accordance with Rules 6-802 and 8-802 NMRA, "the only issue
31 the district court will address on appeal will be the propriety of the revocation of probation. The
32 district court shall not modify the sentence of the magistrate or the municipal court."

33
34 **CONDITIONS OF RELEASE**

35 If Defendant files a notice of appeal, the following additional conditions of release are hereby
36 approved pending appeal to the district court: _____
37 _____

38
39 Release bond pending appeal is set at \$ _____

40
41 Dated _____

42 _____
Judge

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1
2 [As adopted by Supreme Court Order No. 09-8300-037, effective November 16, 2009; as
3 amended by Supreme Court Order No. 22-8300-024, effective for all cases pending or filed on or
4 after December 31, 2022.]