

1 **9-403A. Conditional order of appointment.**

2 [Sections 34-6-46, 34-8A-11
3 and 35-5-8 NMSA 1978]

4
5 STATE OF NEW MEXICO
6 COUNTY OF _____
7 _____ COURT

8
9 STATE OF NEW MEXICO
10 COUNTY OF _____,

11
12 v. No. _____

13
14 _____, Defendant.

15
16 **CONDITIONAL ORDER OF APPOINTMENT**

17 This matter having come before the court, the court finds:

18
19 *(please check appropriate box or boxes)*

20
21 THE COURT FINDS THAT:

- 22 The defendant is incarcerated.
23 The defendant is not incarcerated.

24
25 THE COURT FURTHER FINDS THAT the defendant is unable to obtain counsel and desires
26 representation by the Law Offices of the Public Defender.

27
28 IT IS THEREFORE ORDERED THAT the defendant shall make application to the Law Offices
29 of the Public Defender for representation within _____ days of the issuance of this Order. ~~If~~
30 ~~the defendant is determined not to be indigent under the Law Offices of the Public Defender's~~
31 ~~indigency guidelines as approved by the New Mexico Supreme Court, the defendant shall~~
32 ~~execute a contract to reimburse the State of New Mexico for legal representation and related~~
33 ~~expenses in the amount determined in accordance with the Law Offices of the Public Defender's~~
34 ~~guidelines.]~~

35
36 IT IS FURTHER ORDERED THAT the Law Offices of the Public Defender is hereby appointed
37 to represent the defendant in the above-entitled cause contingent upon the defendant making
38 application to the Law Offices of the Public Defender for representation as set forth herein.

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40 IT IS FURTHER ORDERED THAT:

- 41 the application fee is waived.
42 the application fee is not waived.

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Judge

CERTIFICATE OF MAILING

I certify that I mailed a copy of this order to the above-named defendant at _____ (set forth address), and to the public defender on the _____ day of _____, _____.

(Judge) (Clerk)

Date

[Adopted, effective July 1, 1988; as amended, effective January 1, 1996; as amended by Supreme Court Order No. 12-8300-028, effective for all cases filed on or after January 7, 2013; as amended by Supreme Court Order No. 15-8300-006, effective for all cases pending or filed on or after December 31, 2015; as amended by Supreme Court Order No. 21-8300-023, effective for all cases pending or filed on or after December 31, 2021.]

Committee commentary. — Form 9-403A NMRA was amended in 2012 to clarify that the Law Offices of the Public Defender cannot be appointed without the defendant completing the indigency application required by the Law Offices of the Public Defender. If not otherwise specified in the Order, the Defendant should submit the application to the Law Offices of the Public Defender within twenty-five (25) days from date the Conditional Order of Appointment is filed. If the Defendant fails to comply with the Order, the court may issue an Order to Show cause and initiate contempt proceedings.

[As adopted by Supreme Court Order No. 12-8300-028, effective for all cases filed on or after January 7, 2013; as amended by Supreme Court Order No. 15-8300-006, effective for all cases pending or filed on or after December 31, 2015.]