

1 **9-403B. Conditional order of appointment; contract defense counsel.**

2 [Section 35-5-8 NMSA 1978]

3
4 STATE OF NEW MEXICO
5 COUNTY OF _____
6 _____ COURT

7
8 STATE OF NEW MEXICO
9 COUNTY OF _____,

10
11 v. No. _____

12
13 _____, Defendant.

14
15 **CONDITIONAL ORDER OF APPOINTMENT¹**
16 **CONTRACT DEFENSE COUNSEL**

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

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

21
22 THE COURT FINDS THAT:

23 The defendant is incarcerated.

24 The defendant is not incarcerated.

25
26 THE COURT FURTHER FINDS THAT:

27 The defendant is indigent and unable to obtain counsel.

28 [~~The defendant is not indigent, but is unable to obtain counsel.~~]

29
30 IT IS THEREFORE ORDERED THAT:

31 The Law Offices of the Public Defender is appointed to represent the defendant in the
32 above-entitled case.

33 _____, an attorney on contract with the [Law Offices of the
34 Public Defender] [City of _____], shall represent the defendant in the
35 above-entitled case.

36 [~~The defendant shall reimburse the [State of New Mexico] [City of _____]
37 in an amount of no less than \$ _____ for legal representation and related-
38 expenses.~~]

39
40 IT IS FURTHER ORDERED THAT

41 The application fee is waived.

42 The application fee is required.

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Judge

CERTIFICATE OF MAILING

I certify that I mailed a copy of this order to the above-named defendant at

_____ day of _____, _____.

Date (Judge) (Clerk)

USE NOTES

1. This form may be used in municipal courts and in magistrate court jurisdictions where the Law Offices of the Public Defender does not have a physical office and relies on appointed contract attorneys to represent indigent defendants. In jurisdictions where the Law Offices of the Public Defender has a physical office, magistrate courts should use Form 9-403A NMRA.

[Adopted 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.]