

1 **9-415. Notice of dismissal – felony and non-felony cases.**

2  
3 [For use with Magistrate Court Rule 6-506.1 NMRA, Metropolitan Court Rule 7-506.1 NMRA  
4 and Municipal Court Rule 8-506.1 NMRA]  
5

6 STATE OF NEW MEXICO  
7 [COUNTY OF \_\_\_\_\_]  
8 [CITY OF \_\_\_\_\_]  
9 IN THE \_\_\_\_\_ COURT  
10 [STATE OF NEW MEXICO]  
11 [COUNTY OF \_\_\_\_\_]  
12 [CITY OF \_\_\_\_\_]  
13

14 v. \_\_\_\_\_ No. \_\_\_\_\_  
15  
16 \_\_\_\_\_, Defendant.  
17

18 **NOTICE OF DISMISSAL**

19  
20 The above-captioned case is a  
21 *(check applicable alternative)*  
22 [ ] FELONY CASE  
23 [ ] NON-FELONY CASE  
24

25 The criminal complaint filed in this case is dismissed without prejudice pending further  
26 investigation. [~~Criminal charges may be refiled.~~]  
27 **Notice to Defendant:** The state may refile the same criminal charges, or others resulting  
28 from the same incident, at a later time. In case charges are refiled, you must ensure that the court  
29 has your current contact information (mailing address, phone number, and email) to avoid a bench  
30 warrant being issued for your arrest. If your contact information changes at any time, please notify  
31 the court as soon as possible.  
32

33 \_\_\_\_\_  
34 Prosecutor

35 **CERTIFICATE OF SERVICE**

36  
37 I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ this notice was  
38  
39 [mailed by United States mail, postage prepaid, and addressed to:  
40 Name: \_\_\_\_\_  
41 Address: \_\_\_\_\_  
42 City, State and [~~zip code~~] Zip Code: \_\_\_\_\_]  
43

44 [faxed by \_\_\_\_\_ *(name of person who faxed)* to the defendant. The  
45 transmission was reported as complete and without error. The time and date of the transmission  
46 was \_\_\_\_\_ [a.m.] [p.m.] on \_\_\_\_\_ *(date).*]

1  
2 [e-mailed by \_\_\_\_\_ (name of person who  
3 transmitted) to \_\_\_\_\_ at \_\_\_\_\_ (electronic address of  
4 recipient) which is the address [~~is~~] on file with the clerk of the Supreme Court. The transmission  
5 was successful. The time and date of the transmission was \_\_\_\_\_ [a.m.] [p.m.] on  
6 \_\_\_\_\_ (date).]  
7

8  
9 \_\_\_\_\_  
10 Signature of Attorney

11 \_\_\_\_\_  
12 Date of signature  
13

14 *If this notice was served by a person other than an attorney, the following must also be completed*  
15 *and filed with the court.*  
16

17 **AFFIDAVIT OF SERVICE**

18 I declare under penalty of perjury that a copy of this notice of dismissal was served by  
19 [mail] [fax] [electronic transmission] as described above on this \_\_\_\_\_ day of  
20 \_\_\_\_\_, \_\_\_\_\_.  
21

22 \_\_\_\_\_  
23 Signature of person who made service  
24

25 Subscribed and sworn to before me  
26 this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
27

28 \_\_\_\_\_  
29 Judge, notary or other officer  
30 authorized to administer oaths  
31

32 \_\_\_\_\_  
33 Official title  
34

35 **USE NOTES**

36 This form may be used to dismiss or *nolle prosequi* a felony or non-felony case without  
37 prejudice.  
38

39 [As amended, effective August 1, 1999; as amended by Supreme Court Order No. 13-8300-  
40 020, effective for all cases pending or filed on or after December 31, 2013; as amended by Supreme  
41 Court Order No.22-8300-011, effective for all cases pending or filed on or after July 25, 2022.]