

1 **9-415.1. Notice of dismissal – DWI 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 (DWI)**

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

25 The criminal complaint filed in this case is dismissed without prejudice pending further
26 investigation.

27 **Notice to Defendant:** This dismissal does not affect any license revocation proceedings by
28 the Motor Vehicle Division (MVD). License revocation proceedings are separate from the criminal
29 case. If you received a Notice of Revocation, you must contact MVD and comply with that notice.

30 The state may refile the same criminal charges, or others resulting from the same incident,
31 at a later time. In case charges are refiled, you must ensure that the court has your current contact
32 information (mailing address, phone number, and email) to avoid a bench warrant being issued for
33 your arrest. If your contact information changes at any time, please notify the court as soon as
34 possible.

35
36 _____
37 Prosecutor

38 **CERTIFICATE OF SERVICE**

39
40 I hereby certify that on this _____ day of _____, _____ this notice was
41
42 [mailed by United States mail, postage prepaid, and addressed to:
43 Name: _____
44 Address: _____
45 City, State and Zip Code: _____]

1
 2 [faxed by _____ (*name of person who faxed*) to the defendant. The
 3 transmission was reported as complete and without error. The time and date of the transmission
 4 was _____ [a.m.] [p.m.] on _____ (*date*).]
 5

6 [e-mailed by _____ (*name of person who*
 7 *transmitted*) to _____ at _____ (*electronic address of*
 8 *recipient*) which is the address on file with the clerk of the Supreme Court. The transmission was
 9 successful. The time and date of the transmission was _____ [a.m.] [p.m.] on
 10 _____ (*date*).]
 11

12 _____
 13 Signature of Attorney

14 _____
 15 Date of signature
 16

17
 18 *If this notice was served by a person other than an attorney, the following must also be completed*
 19 *and filed with the court.*
 20

21 **AFFIDAVIT OF SERVICE**

22 I declare under penalty of perjury that a copy of this notice of dismissal was served by
 23 [mail] [fax] [electronic transmission] as described above on this _____ day of
 24 _____, _____.
 25

26 _____
 27 Signature of person who made service
 28

29 Subscribed and sworn to before me
 30 this _____ day of _____, _____.
 31

32 _____
 33 Judge, notary or other officer
 34 authorized to administer oaths
 35

36 _____
 37 Official title
 38

39 **USE NOTES**

40 This form may be used to dismiss or *nolle prosequi* a felony or non-felony DWI case
 41 without prejudice.
 42

43 [Adopted by Supreme Court Order No. 22-8300-011, effective for all cases pending or
 44 filed on or after July 25, 2022.]