

**9-103. Notice of excusal.**

[For use with District Court Rule 5-106 NMRA]

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ COURT

No. \_\_\_\_\_

STATE OF NEW MEXICO

v.

\_\_\_\_\_, Defendant

**NOTICE OF EXCUSAL<sup>1</sup>**

The undersigned hereby notifies the court that the Honorable \_\_\_\_\_ is excused from presiding over the above-captioned case.

Dated this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Party or attorney for the party

**USE NOTE**

1. Each party must be served with a copy of this notice. *See* Criminal Form 9-221 for the certificate of service and affidavit of service.

[As amended, effective May 1, 1986; November 1, 1995; May 1, 2001; as amended by Supreme Court Order 07-8300-34, effective January 22, 2008.]

**Cross references**

For constitutional right to disqualify judges, *see* N.M. Const., art. 6, § 18.

For disqualification pursuant to the Code of Judicial Conduct, *see* 21-400 NMRA.

For statutory right to excuse a district judge, *see* 38-3-9 NMSA 1978.

For peremptory disqualification of a district court judge in civil cases, *see* 1-088.1 NMRA.

**Effect of amendment note**

**The 2008 amendment**, approved by Supreme Court Order 07-8300-34 effective January 22, 2008, limited the use of this form to the district courts.