

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

[For use with Magistrate Court Rule 6-506 NMRA,  
Metropolitan Court Rule 7-506 NMRA and  
Municipal Court Rule 8-506 NMRA]

STATE OF NEW MEXICO  
[COUNTY OF \_\_\_\_\_]  
[CITY OF \_\_\_\_\_]  
IN THE \_\_\_\_\_ COURT

[STATE OF NEW MEXICO]  
[COUNTY OF \_\_\_\_\_]  
[CITY OF \_\_\_\_\_]

v. \_\_\_\_\_ No. \_\_\_\_\_  
\_\_\_\_\_, Defendant.

**NOTICE OF DISMISSAL**

The above-captioned case is a  
*(check applicable alternative)*

- FELONY CASE
- NON-FELONY CASE

The complaint filed in this case is dismissed without prejudice pending further investigation. Criminal charges may be refiled at a later time.

\_\_\_\_\_  
Prosecutor

**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ this notice was

[mailed by United States mail, postage prepaid, and addressed to:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State and zip code: \_\_\_\_\_]

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

[e-mailed by \_\_\_\_\_ (*name of person who transmitted*)

to \_\_\_\_\_ at \_\_\_\_\_ (*electronic address of recipient*)  
which address is on file with the clerk of the Supreme Court. The transmission was successful. The  
time and date of the transmission was \_\_\_\_\_ [a.m.] [p.m.] on \_\_\_\_\_ (*date*).

\_\_\_\_\_  
Signature of attorney

\_\_\_\_\_  
Date of signature

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

### **AFFIDAVIT OF SERVICE**

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

\_\_\_\_\_  
Signature of person who made service

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

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths

\_\_\_\_\_  
Official title

### **USE NOTE**

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

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