

9-417

[For use with Magistrate Court Rule 6-504,  
Metropolitan Court Rule 7-504 and  
Municipal Court Rule 8-504]

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

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

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

**WITNESS LIST**

The [prosecution] [defendant] notifies the opposing party that the following potential witnesses may be called to testify at trial.

| Name  | Address <sup>1</sup> | Tel. No. <sup>1</sup> | Statement <sup>2</sup><br>(yes) (no) |       |
|-------|----------------------|-----------------------|--------------------------------------|-------|
| _____ | _____                | _____                 | _____                                | _____ |
| _____ | _____                | _____                 | _____                                | _____ |
| _____ | _____                | _____                 | _____                                | _____ |
| _____ | _____                | _____                 | _____                                | _____ |

**EXHIBIT LIST**

The [prosecution] [defendant] notifies the opposing party that the following exhibits may be used at trial.

| Exhibit <sup>2</sup> | Location of exhibit |
|----------------------|---------------------|
| _____                | _____               |
| _____                | _____               |
| _____                | _____               |
|                      | _____               |
|                      | Signature           |
|                      | _____               |
|                      | Title               |

**CERTIFICATE OF SERVICE**

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

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

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

[faxed by \_\_\_\_\_ (*name of person who faxed*) document to  
\_\_\_\_\_ (*name of recipient*). 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 to \_\_\_\_\_ (*name*) at \_\_\_\_\_ (*electronic address of  
recipient*) which address is on file with the clerk of the Supreme Court for service by  
electronic mail. The transmission was successful. The time and date of the transmission was  
\_\_\_\_\_ [a.m.] [p.m.] on \_\_\_\_\_ (*date*).]

[delivered to \_\_\_\_\_. (*If delivered to someone other than the party,  
describe how service was made.* \_\_\_\_\_<sup>4</sup>)

\_\_\_\_\_  
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<sup>3</sup>**

I declare under penalty of perjury that a copy of this paper 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

1. Provide the address and telephone number to be used to contact the witness. This address may be the address and telephone number of the district attorney or defense counsel.
2. All witness statements and exhibits shall be disclosed and made available for inspection and copying as provided by the rules of criminal procedure. Statements and exhibits are not filed with the court unless entered into evidence.
3. The certificate of service information must also be completed except for the signature lines.
4. In addition to service by mail, fax and e-mail, Rules 2-203 and 3-303 NMRA permit service by delivery to a party by any of the following means:
  - (a) handing it to the attorney or to the party;
  - (b) leaving it at the attorney's or party's office with a clerk or other person in charge, or, if there is no one in charge, leaving it in a conspicuous place in the office;
  - (c) if the person to be served has no office, leaving it at the person's dwelling house or usual place of abode with some person of suitable age and discretion residing there; or
  - (d) placing a copy in a box maintained by the attorney for purposes of serving the attorney.

[Approved, effective December 17, 2001.]