

**[For use with District Court Rule 5-611,
Magistrate Court Rule 6-610 and
Metropolitan Court Rule 7-610]**

STATE OF NEW MEXICO
COUNTY OF _____
_____ COURT

STATE OF NEW MEXICO

v.

No. _____

_____, Defendant

ORDER DECLARING MISTRIAL UPON JURY DISAGREEMENT

The jury having deliberated a reasonable time and having reported to the court that they are unable to agree upon a verdict herein and the court having polled the jury in accordance with [Rule 5-611] [Rule 6-610] [Rule 7-610] of the Rules of Criminal Procedure;

IT IS THEREFORE ORDERED, as follows:

1. The jury found the defendant not guilty of the charges of:

and it is adjudged that the defendant is not guilty of these charges.

2. A mistrial based on jury disagreement is declared as to the

_____ (*common name of count or highest degree of offense upon which the jury could not agree*).

3. The power to retry the charges upon which the mistrial is declared is reserved.
4. The jury is discharged from the further consideration of this cause.

Judge

[As amended, effective October 1, 1996.]