

9-207. Bind-over order on preliminary examination.

[For use with District Court Rule 5-302 NMRA,
Magistrate Court Rule 6-202 NMRA, and
Metropolitan Court Rule 7-202 NMRA]

STATE OF NEW MEXICO
COUNTY OF _____
IN THE _____ COURT

STATE OF NEW MEXICO

v.

No. _____

_____, Defendant.

**BIND-OVER ORDER
ON PRELIMINARY EXAMINATION**

On _____ (date),

(check one)

- A preliminary examination on the offense(s) set forth in the complaint was waived.
- A preliminary examination was held on the offense(s) listed below. The state appeared through _____ (name of counsel). The defendant appeared in person and through counsel, _____ (name of counsel).

*(check all that apply)*¹

- As to the following **count(s)**, the court FINDS there is probable cause to believe that the charged offense was committed and that the defendant committed the offense. It is hereby ORDERED that the defendant is BOUND OVER FOR TRIAL in the district court as to the following **count(s)**: _____

_____ (list all counts for which the court finds probable cause).

- As to the following **count(s)**, the court FINDS there is no probable cause to believe that the charged offense was committed and that the defendant committed the offense. It is hereby ORDERED that the defendant is DISCHARGED as to the following **count(s)**: _____

_____ (list all counts for which the court finds NO probable cause).

- As to the following **additional charge(s)**, the court FINDS there is probable cause to believe

that the offense was committed and that the defendant committed the offense. It is hereby ORDERED that the defendant is BOUND OVER FOR TRIAL in the district court as to the following **additional charge(s)**: _____

_____ (list each additional charge for which the court finds probable cause).

[] As to the following **additional charge(s)**, the court FINDS there is no probable cause to believe that the offense was committed and that the defendant committed the offense. It is hereby ORDERED that the defendant is DISCHARGED as to the following **additional charge(s)**:

_____ (list each additional charge for which the court finds NO probable cause).

[] It is hereby ORDERED that the defendant is bound over for all misdemeanor charges listed in the complaint.²

IT IS SO ORDERED.

Judge

USE NOTE

1. Every count listed in the complaint must be accounted for in this bind-over order.
2. If the court finds probable cause for any felony offense, all misdemeanor charges in the complaint must be included in this bind-over order.
3. Attach copy of Complaint, any Warrants issued, Appearance Bond or Bail Bond, and Order Specifying Conditions of Release.

[As amended by Supreme Court Order No. 14-8300-020, effective for all cases pending or filed on or after December 31, 2014.]