

9-207A. Probable cause determination.

[For use with District Court Rule 5-301 NMRA,
Magistrate Court Rule 6-203 NMRA,
Metropolitan Court Rule 7-203 NMRA, and
Municipal Court Rule 8-202 NMRA]

STATE OF NEW MEXICO
[COUNTY OF _____]
[CITY OF _____]
_____ COURT

[STATE OF NEW MEXICO]
[COUNTY OF _____]
[CITY OF _____]

v. _____ No. _____
_____, Defendant.

PROBABLE CAUSE DETERMINATION

*(For use only if the defendant
has been arrested without a warrant
and has not been released)*

Finding of Probable Cause

- I find that there is a written showing of probable cause to believe that a crime has been committed and that the above named defendant committed it.
It is ordered that the defendant shall be released:
 - on personal recognizance.
 - on the conditions of release set forth in the release order.
 - only upon entry of a release order after the defendant has appeared before a judge.

Failure to Make Showing of Probable Cause

- I find that probable cause has not been shown that a crime has been committed and that the above named defendant committed it. It is ordered that the defendant be released on personal recognizance.
- A probable cause determination has not been made within forty-eight (48) hours of the defendant’s arrest. It is ordered that the defendant be released on personal recognizance.

Judge

Date

Time

USE NOTE

A court should not dismiss the criminal complaint against the defendant merely because the court has found no probable cause for pretrial detention. If the court finds no probable cause, the only required action is the defendant's immediate release from custody pending further proceedings.

Unless the defendant has been released on personal recognizance, the amount of bail set and any conditions of release prescribed by a designee must also be reviewed.

This form is not necessary if the finding of probable cause is endorsed by the judge on the criminal complaint or on a statement of probable cause.

[Approved effective September 1, 1990; as amended by Supreme Court Order No. 13-8300-042, effective for all cases pending or filed on or after December 31, 2013; as amended by Supreme Court Order No. 17-8300-016, effective for all cases pending or filed on or after December 31, 2017.]