

**9-403A. Conditional order of appointment.**

[Sections 34-6-46, 34-8A-11  
and 35-5-8 NMSA 1978]

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ COURT

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_

v.

No. \_\_\_\_\_

\_\_\_\_\_, Defendant.

**CONDITIONAL ORDER OF APPOINTMENT**

This matter having come before the court, the court finds:

*(please check appropriate box or boxes)*

THE COURT FINDS THAT:

- The defendant is incarcerated.
- The defendant is not incarcerated.

THE COURT FURTHER FINDS THAT the defendant is unable to obtain counsel and desires representation by the Law Offices of the Public Defender.

IT IS THEREFORE ORDERED THAT the defendant shall make application to the Law Offices of the Public Defender for representation within \_\_\_\_\_ days of the issuance of this Order.

IT IS FURTHER ORDERED THAT the Law Offices of the Public Defender is hereby appointed to represent the defendant in the above-entitled cause contingent upon the defendant making application to the Law Offices of the Public Defender for representation as set forth herein.

IT IS FURTHER ORDERED THAT:

- the application fee is waived.
- the application fee is not waived.

\_\_\_\_\_  
Judge

**CERTIFICATE OF MAILING**

I certify that I mailed a copy of this order to the above-named defendant at \_\_\_\_\_ (set forth address), and to the public defender on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Judge) (Clerk)

\_\_\_\_\_  
Date

[Adopted, effective July 1, 1988; as amended, effective January 1, 1996; as amended by Supreme Court Order No. 12-8300-028, effective for all cases filed on or after January 7, 2013; as amended by Supreme Court Order No. 15-8300-006, effective for all cases pending or filed on or after December 31, 2015; as amended by Supreme Court Order No. 21-8300-023, effective for all cases pending or filed on or after December 31, 2021.]