

9-416

**[For use with Magistrate Court Rule 6-603,
Metropolitan Court Rule 7-603 and
Municipal Court Rule 8-603]**

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

[STATE OF NEW MEXICO]
[CITY OF _____]

v.

No. _____

_____, Defendant

STIPULATED DISCOVERY ORDER

The [state] [city] and the defendant stipulate to the following order:

1. That should the materials discovered under this order reasonably be calculated to lead to other material which is discoverable evidence, the [state] [city] will assist the defendant in obtaining such evidence.
2. All disputed matters not covered by this order will be decided by the court.
3. The [state] [city], through the _____, is ordered to produce:
 - a complete copy of the police report and officer's statement;
 - a list of all witnesses to be called whose names and addresses do not appear on the police report;
 - the BAT card;
 - the defendant's record;
4. The [state] [city] [police] [county sheriff] is ordered to produce:
 - the calibration and maintenance records of the machine used to test defendant's breath for a period of _____ days before and _____ after the date of the offense;
 - the name and address of the manufacturer of the machine;
 - the conversion ratio used by the machine,
 - the date of purchase and the date of initial certification of the machine;
 - the instrument log for the machine used in defendant's test covering the shift during which the test was given;

[] any information known about radio frequency testing involving this machine.

IT IS ORDERED THAT:

1. The [district] [city] attorney's office send an endorsed copy of this order to the [state] [city] [police] [county sheriff] and to defendant's attorney.
2. The [state] [city] [police] [county sheriff] schedule an appointment with defendant's attorney within fifteen (15) days after the date of service of this stipulated discovery order.
3. Defendant's attorney shall attend the scheduled appointment or reschedule within three (3) days of notification of the appointment.
4. The [state] [city], through its agencies, is ordered to make available the following items for inspection with copying at defendant's expense:

5. For purpose of the six-month rule, time will run against the party which causes the appointment to be later than three (3) days before the trial setting.
6. The parties comply with the terms of the stipulated discovery order as set forth above.

Judge

The above stipulation and order
is hereby agreed to:

[District] [City] Attorney

Attorney for Defendant

Information needed to expedite compliance:

Date of offense: _____
Approximate time: _____
Police report number: _____
BAT instrument no: _____
Trial setting date: _____
Time: _____
Judge: _____
[Effective October 1, 1987.]