9-412B. Motion to sanction for non-compliance.

[For use with Magistrate Court Rule 6-504
and Municipal Court Rule 8-504 NMRA]

STATE OF NEW MEXICO
[COUNTY OF_____]
_____ COURT

No. _____

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

v.

_____, Defendant

MOTION TO SANCTION FOR NON-COMPLIANCE

I certify that the [defendant] [prosecution] failed to comply with this court's pretrial scheduling order in a timely manner as follows:

_____
_____.

A motion to compel was filed on _____ *(date)* with the following results: _____ *(describe results)*.

Because of the failure to comply the [defendant] [prosecution] requests the court to:
[ ]   order the party to provide discovery as requested
[ ]   grant a continuance until _____ *(date)* to allow for the completion of discovery
[ ]   prohibit introduction into evidence of the material not disclosed
[ ]   enter an order holding _____ *(attorney or party)* in contempt of court
[ ]   _____ *(other)*.

I acknowledge that the filing of this certificate does not diminish my continuing duty to fully comply with the pretrial scheduling order.

Date: _____

_____
[Prosecutor] [Defendant]

[Effective November 1, 2007.]