**9-614. Order on direct civil contempt.**

[For use with Magistrate Court Rule 2-110 NMRA]

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

IN THE MAGISTRATE COURT

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

&

In the Matter of the Direct Civil Contempt of

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Contemnor.

**ORDER ON DIRECT CIVIL CONTEMPT1**

 This matter came before the Court on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*month/day/year*). \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_was represented by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name and title*). \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_was present [pro se] [represented by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Esq.] (*name of attorney*).

THE COURT FINDS that the contemnor, in the presence of this Court

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*State the action which constitutes direct civil contempt.*)2 The Court finds that the contemnor committed direct civil contempt of this Court. Furthermore, this order shall be in effect until such time as the following condition(s) have been met:

THE COURT HEREBY ORDERS: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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(*Specify remedial action required.*)

THE COURT HEREBY ORDERS the contemnor shall pay the following fines and court costs: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Date Judge

USE NOTES

 1. *See* NMSA 1978, § 35-3-9 (1991) on contempt. *See City of Bernalillo v. Aragon*, 100 N.M. 547, 673 P.2d 831 (Ct. App. 1983) regarding direct contempt. *See State v. Diamond*, 94 N.M. 118, 607 P.2d 656 (Ct. App. 1980) regarding indirect contempt. *See* Rule 5-902 NMRA for a discussion of contempt.

 2. Include a full statement of the facts, including any warnings given to contemnor.

[As approved by Supreme Court Order No. 09-8300-037, effective November 16, 2009.]