

Opinion No. 35-1211

November 9, 1935

BY: FRANK H. PATTON, Attorney General

TO: Mr. D. M. Barringer, Justice of the Peace, Alamogordo, New Mexico.

{*88} I have your letter of November 7th relative to case against an army officer charged with hunting on resident license and the question of his right to obtain residence in this state has arisen.

The residence of an army officer is the residence of his home state and these officers do not acquire any residence in states where they may be by chance stationed.

For this reason it is our opinion that the officer involved was not a resident of New Mexico at the time of the case against him unless he was formerly a resident of this state at the time of his entry into service and which residence had not been changed prior to his service.

Insofar as your jurisdiction is concerned under Sections 57-219 and 57-221 of the 1929 Compilation we doubt seriously if you have jurisdiction under either section inasmuch as in each case the maximum fine exceeds the amount prescribed in Section 79-208.

Trusting the foregoing sufficiently answers your inquiry, I am,