

**BRAINARD V. CLERK OF SECOND JUDICIAL DIST. COURT, 1968-NMSC-124, 79  
N.M. 376, 443 P.2d 869 (S. Ct. 1968)**

**Nicholas D. BRAINARD, Petitioner,  
vs.  
The CLERK of the SECOND JUDICIAL DISTRICT COURT, Respondent**

No. 8708

SUPREME COURT OF NEW MEXICO

1968-NMSC-124, 79 N.M. 376, 443 P.2d 869

August 08, 1968

Original Mandamus Proceeding

**JUDGES**

Moise, Compton and Carmody, Justices, concurring.

Chavez, Chief Justice, and Noble, Justice, being absent and not participating.

**OPINION**

Original{\*376} Mandamus Proceeding

{1} Ordered that the alternative writ of mandamus issued herein on July 25, 1968, be and the same is hereby discharged for the reason that the issues therein are moot.