

**STATE EX REL. WHITLEY V. DISTRICT COURT OF THE FIFTH JUDICIAL DIST.,
1966-NMSC-109, 76 N.M. 499, 416 P.2d 380 (S. Ct. 1966)**

**The STATE of New Mexico ex rel. Bennie True WHITLEY,
Relator,
vs.
The DISTRICT COURT OF the FIFTH JUDICIAL DISTRICT of the
State of New Mexico, IN AND FOR LEA COUNTY, New
Mexico, and the Honorable Kermit E. Nash,
District Judge of the Fifth Judicial
District of the State of New
Mexico, in and for Lea
County, New Mexico,
Respondents**

No. 8136

SUPREME COURT OF NEW MEXICO

1966-NMSC-109, 76 N.M. 499, 416 P.2d 380

June 08, 1966

Original Prohibition Proceeding

JUDGES

CARMODY, Chief Justice, and CHAVEZ, NOBLE, MOISE and COMPTON, Justices,
concurring.

OPINION

{1} Ordered that the alternative writ of prohibition heretofore issued on April 29, 1966, prohibiting respondents from proceeding to commit or recognize the defendant in Cause No. 3350, Criminal, Lea County, New Mexico, pursuant to the appeal attempted to be effected by the State of New Mexico, be and the same is hereby made absolute.