

**STATE V. RODRIGUEZ, 117 N.M. 744, 877 P.2d 44 (S. Ct. 1994)**

**STATE OF NEW MEXICO, Plaintiff-Respondent,  
vs.  
ISMAEL RODRIGUEZ, Defendant-Petitioner. consolidated with:  
STATE OF NEW MEXICO, Plaintiff-Respondent, v. RITO  
IBARRA, Defendant-Petitioner.**

No. 21,150

SUPREME COURT OF NEW MEXICO

117 N.M. 744, 877 P.2d 44

May 11, 1994, Decided

**OPINION**

**ORDER QUASHING CERTIORARI**

WHEREAS, these matters came on for consideration by the Court upon petitions for writ of certiorari pursuant to SCRA 1986, 12-502, and the Court, being sufficiently advised, granted the petitions and entered writs of certiorari to the New Mexico Court of Appeals; and

WHEREAS, the causes having been submitted to the Court on the May 1994 calendar on briefs and oral arguments by the parties and amici curiae, New Mexico Criminal Defense Lawyers Association and the Federal Public Defender's Office, and the Court having considered said petitions, briefs, and arguments and, upon further consideration, having determined that the writs of certiorari should be quashed as improvidently issued, Justice Richard E. Ransom, Justice Joseph F. Baca, Justice Gene E. Franchini, Justice Stanley F. Frost concurring, and Chief Justice Seth D. Montgomery dissenting;

NOW, THEREFORE, IT IS ORDERED that writ of certiorari issued on March 31, 1993, in No. 21,150 and the writ of certiorari issued on April 28, 1993, in No. 21,215 hereby are QUASHED, and the records in causes numbered 14,456 and 14,312 hereby are returned to the New Mexico Court of Appeals.