

STATE V. PHILLIPS, 129 N.M. 250, 4 P.3d 1241 (S. Ct. 2000)

**STATE OF NEW MEXICO, Plaintiff-Petitioner,
vs.
PETER R. PHILLIPS, Defendant-Respondent.**

NO. 26,346

SUPREME COURT OF NEW MEXICO

4 P.3d 1241

July 07, 2000, Decided

OPINION

ORDER

WHEREAS, this matter came on for consideration by the Court upon petition for writ of certiorari, and the Court having considered said petition and being sufficiently advised, Chief Justice Pamela B. Minzner, Justice Joseph F. Baca, Justice Gene E. Franchini, Justice Patricio M. Serna, and Justice Petra Jimenez Maes concurring;

NOW, THEREFORE, IT IS ORDERED that the petition hereby is GRANTED and a writ of certiorari shall issue to the New Mexico Court of Appeals; and

IT IS FURTHER ORDERED that the petition was GRANTED on the only issue as presented in the petition.

IT IS FURTHER ORDERED that petitioner's petition for writ of certiorari shall constitute the brief in chief, making respondent's answer brief due on or before **August 21, 2000**, and petitioner's reply brief, if any, due twenty (20) days after filing of respondent's answer brief in accordance with the Rules of Appellate Procedure;

IT IS FURTHER ORDERED that the briefs shall consolidate and update the briefs filed in the New Mexico Court of Appeals **with respect to the issue identified herein**, without incorporation by reference, and shall comment on the Court of Appeals memorandum opinion filed May 2, 2000;

IT IS FURTHER ORDERED that the Court invites amicus briefs from the New Mexico Criminal Defense Lawyers Association and from the New Mexico District Attorneys Association; and

IT IS FURTHER ORDERED that no oral argument will be heard in this matter and the cause shall be submitted to the Court upon the filing of all briefs.

IT IS SO ORDERED.