

**STATE V. RAEL, 131 N.M. 564, 40 P.3d 1008 (S. Ct. 2002)**

**STATE OF NEW MEXICO, Plaintiff-Respondent,  
vs.  
ANTHONY RAEL, Defendant-Petitioner.**

NO. 26,233

SUPREME COURT OF NEW MEXICO

131 N.M. 564, 40 P.3d 1008

January 14, 2002, Decided

State v. Rael, 128 N.M. 690, 997 P.2d 822 (2000)

**OPINION**

**ORDER**

WHEREAS, this matter came on for consideration upon petition for writ of certiorari filed pursuant to Rule 12-502 NMRA, and the Court having considered said petition and being sufficiently advised, issued its writ of certiorari on April 6, 2000, and, after further consideration of the petition and briefs, the judgment of the Court is that the writ shall be quashed, Chief Justice Patricio M. Serna, Justice Joseph F. Baca, Justice Gene E. Franchini, Justice Pamela B. Minzner, and Justice Petra Jimenez Maes concurring;

NOW, THEREFORE, IT IS ORDERED that the writ of certiorari issued on April 6, 2000, hereby is QUASHED as the assertion of defendant's claim may be more appropriately raised through a petition for writ of habeas corpus; and

IT IS FURTHER ORDERED that the record proper and taped proceedings shall be returned to the New Mexico Court of Appeals.

IT IS SO ORDERED.