

STATE V. MONTOYA, 131 N.M. 619, 41 P.3d 345 (S. Ct. 2002)

**STATE OF NEW MEXICO, Plaintiff-Respondent,
vs.
RALPH MONTOYA, Defendant-Petitioner.**

NO. 27,209

SUPREME COURT OF NEW MEXICO

131 N.M. 619, 41 P.3d 345

January 24, 2002, Decided

State v. Montoya, 37 P.3d 99 (2001).

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 December 7, 2001, and, after further consideration, the judgment of the Court is that the writ shall be quashed consistently with our dispositions of **State v. Wilson**, No. 26,923, and **State v. Pierce**, No. 27,049, on December 26, 2001, 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 December 7, 2001, hereby is QUASHED; 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.