

**STATE V. MARTINEZ, 133 N.M. 127, 61 P.3d 836 (S. Ct. 2002)**

**STATE OF NEW MEXICO, Plaintiff-Respondent,  
vs.  
ALFRED MARTINEZ, Defendant-Petitioner.**

NO. 27,401

SUPREME COURT OF NEW MEXICO

133 N.M. 127, 61 P.3d 836

December 18, 2002, Decided

**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 12, 2002; and

WHEREAS, having considered the briefs, the judgment of the Court is that the writ shall be quashed, Chief Justice Patricio M. Serna, Justice Gene E. Franchini, and Justice Pamela B. Minzner concurring, Justice Petra Jimenez Maes and Justice Paul J. Kennedy dissenting, and with a dissenting opinion attached hereto;

NOW, THEREFORE, IT IS ORDERED that the writ of certiorari issued on April 12, 2002, hereby is QUASHED; and

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

IT IS SO ORDERED.

WITNESS, Honorable Patricio M. Serna, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 18th day of December, 2002.