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IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

Filing Date: June 17, 2024

No. S-1-SC-38468

JUSTIN E. ROBERTS,

Plaintiff-Appellee,

v.

AFFORDABLE AUTO SALES,

Defendant-Appellant.

CERTIFICATION FROM THE COURT OF APPEALS

Joshua A. Allison, District Judge

Griego & Guggino
Laurence Paul Guggino, Jr.
Los Lunas, NM

for Appellant

Justin E. Roberts
Pro se
Albuquerque, NM

for Appellee

DISPOSITIONAL ORDER OF REVERSAL

PER CURIAM.

{1} WHEREAS, on February 1, 2022, the Court accepted certification and held this matter in abeyance pending this Court's disposition in *Padilla v. Torres*, No. S-1-SC-35619;

{2} WHEREAS, this Court issued an opinion in *Padilla* on February 5, 2024, reversing and remanding that matter to the metropolitan court for a new trial, see *Padilla v. Torres*, 2024-NMSC-007, ¶ 2, 548 P.3d 31;

{3} WHEREAS, the Court concludes that the issues presented in this matter are addressed by the Court's opinion in *Padilla*;

{4} WHEREAS, the Court, therefore, exercises its discretion under Rule 12-405(B) NMRA to dispose of this matter by nonprecedential order; and

{5} WHEREAS, the Court having considered the foregoing and being sufficiently advised;

{6} NOW, THEREFORE, IT IS ORDERED that the Court's February 1, 2022, order is WITHDRAWN as to the abeyance; and

{7} IT IS FURTHER ORDERED that the district court is reversed and this matter is remanded to the metropolitan court for a new trial in accordance with *Padilla*.

{8} **IT IS SO ORDERED.**

WE CONCUR:

DAVID K. THOMSON, Chief Justice

MICHAEL E. VIGIL, Justice

C. SHANNON BACON, Justice

BRIANA H. ZAMORA, Justice