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IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

Filing Date: June 17, 2024

No. S-1-SC-34790

D. CHIPMAN VENIE, Esquire,

Plaintiff-Respondent,

v.

ANNA VELASQUEZ,

Defendant-Petitioner.

ORIGINAL PROCEEDING ON CERTIORARI

Carl J. Butkus, District Judge

James Rawley, Esq.
Albuquerque, NM

for Petitioner

D. Chipman Venie, Esq.
Pro se
Albuquerque, NM

for Respondent

DISPOSITIONAL ORDER OF REVERSAL

PER CURIAM.

{1} WHEREAS, this matter came on for consideration by the Court upon petition for the writ of certiorari filed pursuant to Rule 12-502 NMRA, and the Court having considered the petition and being sufficiently advised, issued its writ of certiorari on January 19, 2016, and held this matter in abeyance pending this Court's disposition in *Padilla v. Torres*, 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{4} WHEREAS, the Court, therefore, exercises its discretion under Rule 12-405(B) NMRA to dispose of this matter by nonprecedential order; and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{6} NOW, THEREFORE, IT IS ORDERED that the Court's January 19, 2016, order is WITHDRAWN as to the abeyance; and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

JULIE J. VARGAS, Justice

BRIANA H. ZAMORA, Justice