

STATE V. RENDLEMAN, 1971-NMCA-013, 82 N.M. 346, 481 P.2d 708 (Ct. App. 1971)

**STATE OF NEW MEXICO, Plaintiff-Appellee,
vs.
DONALD B. RENDLEMAN, Defendant-Appellant**

No. 585

COURT OF APPEALS OF NEW MEXICO

1971-NMCA-013, 82 N.M. 346, 481 P.2d 708

February 12, 1971

Appeal from the District Court of Grant County, Hodges, Judge

COUNSEL

DAVID L. NORVELL, Attorney General, THOMAS L. DUNIGAN, Ass't. Atty. Gen., Santa Fe, New Mexico, Attorneys for Appellee.

C.N. MORRIS, Silver City, New Mexico, Attorney for Appellant.

JUDGES

SUTIN, Judge, wrote the opinion.

WE CONCUR:

Joe W. Wood J., William R. Hendley J.

AUTHOR: SUTIN

OPINION

SUTIN, Judge.

{1} Rendleman was convicted and sentenced for the unlawful possession of marijuana under § 54-7-13 N.M.S.A. 1953 (Repl. Vol. 8, pt. 2), known as the Uniform Narcotic Drug Act. Rendleman appealed. We reverse.

{2} This case falls directly within State v. Riley, 82 N.M. 235, 478 P.2d 563 (Ct. App.) decided December 11, 1970, in which § 54-7-14 of the Uniform Narcotic Drug Act was

held inapplicable, and § 54-5-14 N.M.S.A. 1953 (Repl. Vol. 8, pt. 2), a special act, was held operative.

{3} The conviction and sentence are reversed. The cause is remanded with instruction to vacate the conviction judgment and sentence, and dismiss the charge under which Rendleman was prosecuted.

{4} IT IS SO ORDERED.

WE CONCUR:

Joe W. Wood J., William R. Hendley J.