

**STATE V. MANLOVE, 1973-NMCA-109, 85 N.M. 438, 512 P.2d 1274 (Ct. App. 1973)**

**STATE OF NEW MEXICO, Plaintiff-Appellee  
vs.  
LONNIE K. MANLOVE, Defendant-Appellant**

No. 1121

COURT OF APPEALS OF NEW MEXICO

1973-NMCA-109, 85 N.M. 438, 512 P.2d 1274

July 18, 1973

Appeal from the District Court of Eddy County, Archer, Judge

**COUNSEL**

DAVID L. NORVELL, Attorney General, DEE C. BLYTHE, Assistant Attorney General,  
Santa Fe, New Mexico, Attorneys for Plaintiff-Appellee.

JAMES F. WARDEN, Carlsbad, New Mexico, Attorney for Defendant-Appellant.

**JUDGES**

SUTIN, Judge, wrote the opinion.

WE CONCUR:

William R. Hendley, J., B. C. Hernandez, J.

**AUTHOR: SUTIN**

**OPINION**

SUTIN, Judge.

{1} This is a Rule 93 [§ 21-1-1(93), N.M.S.A. 1953 (Repl. Vol. 4)] case, an appeal from denial of defendant's motion to vacate a judgment of conviction and sentence set forth in State v. Manlove, 79 N.M. 189, 441 P.2d 229 (Ct. App. 1968).

{2} Defendant claims (1) there was a merger of offenses and he was improperly punished for three separate offenses; (2) the trial court failed to properly instruct the jury.

{3} The matters urged for reversal are ones which have already been decided or should have been submitted to this court on the original appeal. State v. Sedillo, 84 N.M. 293, 502 P.2d 318 (Ct. App. 1972).

{4} Affirmed.

{5} IT IS SO ORDERED.

WE CONCUR:

William R. Hendley, J., B. C. Hernandez, J.