

**CAPPS V. STATE, 105 N.M. 781, 737 P.2d 893 (S. Ct. 1987)**

**James Capps, Petitioner,  
vs.  
State of New Mexico, Respondent.**

No. 16929

SUPREME COURT OF NEW MEXICO

105 N.M. 781, 737 P.2d 893

June 02, 1987

**OPINION**

This cause having heretofore been submitted and taken under advisement, and on February 3, 1987 a Writ of Certiorari having been issued by the Supreme Court;

NOW, THEREFORE, IT IS ORDERED that the Writ of Certiorari heretofore issued by this Court on February 3, 1987 is hereby quashed as having been improvidently issued.

IT IS FURTHER ORDERED that the Record in Case No. 9651 is hereby returned to the Clerk of the Court of Appeals.