

**DAVIS V. NEAL, 1970-NMSC-116, 81 N.M. 784, 474 P.2d 76 (S. Ct. 1970)**

**Lloyd L. DAVIS, Sr., Mary D. Davis, Lloyd L. Davis, Jr.,  
Lottie-Beth Davis and Lee Smith, Petitioners,  
vs.  
Honorable Caswell S. NEAL, Judge of the District Court of  
Eddy County, New Mexico, Respondent**

No. 9113

SUPREME COURT OF NEW MEXICO

1970-NMSC-116, 81 N.M. 784, 474 P.2d 76

September 09, 1970

**OPINION**

{\*784} Original Prohibition Proceeding

COMPTON, Chief Justice and TACKETT, WATSON, SISK and McKENNA, Justices,  
concurring.

{1} Ordered that the writ of prohibition heretofore issued herein on August 18, 1970, be  
and the same is hereby made permanent for the reason that the trial court was without  
jurisdiction to modify its decision after the appeal was taken.