

FALCK V. BLYTHE, 1968-NMSC-038, 78 N.M. 742, 437 P.2d 1011 (S. Ct. 1968)

**Russell John FALCK, Petitioner,
vs.
Honorable Dee C. BLYTHE, District Judge, Ninth Judicial
District, County of Roosevelt, State of New Mexico,
Respondent**

No. 8607

SUPREME COURT OF NEW MEXICO

1968-NMSC-038, 78 N.M. 742, 437 P.2d 1011

March 06, 1968

Original Prohibition and/or Mandamus Proceeding

COUNSEL

This cause coming on for hearing upon Petition for Writ of Prohibition and/or Mandamus, motion of Respondents to Quash, and briefs of counsel, is argued by Mary C. Walters, attorney for Petitioner, and Morris Stagner, Esquire, attorney for Respondent.

JUDGES

CHAVEZ, Chief Justice, NOBLE and CARMODY, Justices, WALDO SPIESS, Chief Judge, and JOE W. WOOD, Judge of the Court of Appeals, concurring.

OPINION

{1} Ordered that the motion of respondent to quash the alternative writ of prohibition be and the same is hereby sustained, and that the alternative writ of prohibition issued out of this Court on February 15, 1968, be and the same is hereby quashed for the reason that the issues presented by the petition for a writ of prohibition may be raised on appeal after trial.