

**SMITH V. FIFTH JUDICIAL DIST. COURT, 1964-NMSC-076, 74 N.M. 92, 390 P.2d  
969 (S. Ct. 1964)**

**James W. SMITH, Petitioner,  
vs.  
FIFTH JUDICIAL DISTRICT COURT, State of New Mexico, COUNTY  
OF CHAVES, Respondent**

No. 57 HC

SUPREME COURT OF NEW MEXICO

1964-NMSC-076, 74 N.M. 92, 390 P.2d 969

April 15, 1964

**JUDGES**

Compton, Chief Justice, and Carmody, Chavez, Noble and Moise, Justices, concurring.

**OPINION**

{\*92} Writ of Mandamus.

Ordered that the request for free process be and the same is hereby granted, and the petition for writ of mandamus be and the same is hereby denied as not timely.