

STATE V. REYNOLDS, 1965-NMSC-125, 75 N.M. 521, 407 P.2d 361 (S. Ct. 1965)

**STATE OF NEW MEXICO, Plaintiff-Appellee,
vs.
WILLIAM CLARK REYNOLDS, Defendant-Appellant**

No. 7879

SUPREME COURT OF NEW MEXICO

1965-NMSC-125, 75 N.M. 521, 407 P.2d 361

November 01, 1965

Appeal from the District Court of Chaves County, Reese, Jr., Judge

COUNSEL

BOSTON E. WITT, Attorney General, OLIVER E. PAYNE, Deputy Attorney General,
ROY G. HILL, {*522} FRANK BACHICHA, JR., Assistant Attorneys General, Santa Fe,
New Mexico, Attorneys for Appellee.

ATWOOD & MALONE, BOB F. TURNER, Roswell, New Mexico, Attorneys for
Appellant.

JUDGES

MOISE, Justice, wrote the opinion.

WE CONCUR:

DAVID W. CARMODY, C.J., DAVID CHAVEZ, JR., J., M. E. NOBLE, J., J. C.
COMPTON, J.

AUTHOR: MOISE

OPINION

MOISE, Justice.

{1} This case presents the identical question decided this date in State v. Dalrymple, 75 N.M. 514, 407 P.2d 356, and the two cases were consolidated for argument here. The decision announced in State v. Dalrymple is controlling here, and this case is accordingly reversed and remanded to the trial court with instructions to grant a new trial on the information charging defendant as a habitual offender.

{2} IT IS SO ORDERED.

WE CONCUR:

DAVID W. CARMODY, C.J., DAVID CHAVEZ, JR., J., M. E. NOBLE, J., J. C.
COMPTON, J.