

STATE V. BRANTLEY, 1967-NMSC-031, 77 N.M. 435, 423 P.2d 869 (S. Ct. 1967)

**STATE OF NEW MEXICO, Plaintiff-Appellant,
vs.
DRAPER BRANTLEY, Defendant-Appellee**

No. 8114

SUPREME COURT OF NEW MEXICO

1967-NMSC-031, 77 N.M. 435, 423 P.2d 869

February 13, 1967

Appeal from the District Court of Eddy County, Neal, Judge

COUNSEL

BOSTON E. WITT, Attorney General, ROY G. HILL, Asst. Attorney General, J. LEE CATHEY, Spec. Asst. Atty. Gen., Santa Fe, New Mexico, Attorneys for Appellant.

NEAL and MATKINS, Carlsbad, New Mexico, Attorneys for Appellee.

JUDGES

MOISE, Justice, wrote the opinion.

WE CONCUR:

David Chavez, Jr., C.J., Joe W. Wood, J., C.A.

AUTHOR: MOISE

OPINION

{*436} MOISE, Justice.

{1} This case is identical with State v. Allen, 77 N.M. 433, 423 P.2d 867, decided this date, and the ruling therein is controlling here. For the reasons stated in the opinion in that case, the judgment here is affirmed.

{2} IT IS SO ORDERED.

Chavez, Jr., C.J., and Wood, J., Court of Appeals, concur.