

**STATE EX REL. APODACA V. FIORINA, 1974-NMSC-050, 86 N.M. 494, 525 P.2d
854 (S. Ct. 1974)**

**STATE of New Mexico ex rel. A. L. Happy APODACA and A. L.
Happy Apodaca, Relator,
vs.
Betty FIORINA, Secretary of State of the State of New
Mexico, and David L. Norvell, Attorney General of the
State of New Mexico, Respondents.**

No. 9454

SUPREME COURT OF NEW MEXICO

1974-NMSC-050, 86 N.M. 494, 525 P.2d 854

June 14, 1974

Original Mandamus Proceeding

COUNSEL

Standley, Witt & Quinn, Bigbee, Byrd, Carpenter & Crout, Paul D. Gerber, Charles D. Olmsted, Santa Fe, for relator.

David L. Norvell, Atty. Gen., Santa Fe, William Dixon, Special Asst. Atty. Gen., Albuquerque, for respondents.

AUTHOR: PER CURIAM

OPINION

PER CURIAM:

{1} This matter has come before us on remand of the case from the United States Supreme Court, 416 U.S. 918, 94 S. Ct. 1915, 40 L. Ed. 2d 276. Our original opinion was based on § 3-8-26, subd. A, N.M.S.A. 1953 (Repl. Vol. 1, 1970). This statute was repealed by the New Mexico State Legislature, Laws of 1973, chapter 228, § 11, thereby rendering the question moot.

{2} Therefore, the judgment of this Court entered herein on April 17, 1972, is hereby vacated and this cause is dismissed.

* Editor's Note: The judgment was followed, on April 18, 1972, by an opinion (see 83 N.M. 663, 495 P.2d 1379).