

**STATE V. BROWN, 1981-NMSC-018, 95 N.M. 454, 623 P.2d 574 (S. Ct. 1981)**

**State of New Mexico, Petitioner  
vs.  
Marvin Brown and Melvin Brown, Respondents**

No. 13232

SUPREME COURT OF NEW MEXICO

1981-NMSC-018, 95 N.M. 454, 623 P.2d 574

February 05, 1981

Original Proceeding on Certiorari

**COUNSEL**

Jeff Bingaman, Atty. Gen., Marcia E. White, Asst. Atty. Gen., Santa Fe, for petitioner.

Martha A. Daly, Appellate Defender, Santa Fe, for respondents.

**JUDGES**

RIORDAN, J., wrote the opinion. EASLEY, C.J., SOSA, Senior Justice, and PAYNE and FEDERICI, JJ., concur.

**AUTHOR:** RIORDAN

**OPINION**

RIORDAN, Justice.

{1} This matter was brought to the Supreme Court on Certiorari after a summary reversal by the Court of Appeals. The Court of Appeals relied on its decision in **State v. Jones**, 96 N.M. 18, 627 P.2d 413 (1980).

{2} *State v. Jones*, 96 N.M. 14, 627 P.2d 409 has been reversed by the Supreme Court in Cause No. 13,221 (filed January 26, 1981).

{3} This case is remanded to the Court of Appeals for reconsideration of the appeal in light of the decision of **State v. Jones** and the holding therein.

{4} IT IS SO ORDERED.

EASLEY, C.J., SOSA, Senior Justice, and PAYNE and FEDERICI, JJ., concur.