

**STATE EX REL. RIVERA V. CONWAY, 1987-NMSC-083, 106 N.M. 259, 741 P.2d
1380 (S. Ct. 1987)**

**STATE OF NEW MEXICO, ex rel. MERCEDES C. RIVERA,
Petitioner,
vs.
HONORABLE SUSAN CONWAY, District Judge, Respondent.**

No. 17190

SUPREME COURT OF NEW MEXICO

1987-NMSC-083, 106 N.M. 259, 741 P.2d 1380

September 03, 1987, filed

ORIGINAL SUPERINTENDING CONTROL PROCEEDING

COUNSEL

WALTER R. KEGEL, MICHAEL R. MOROW, Santa Fe, New Mexico, for Petitioner

RAYMOND SCHOWERS, SUTIN, THAYER & BROWNE, Albuquerque, New Mexico,
for Estate of Louis J. Rivera

JUDGES

HARRY E. STOWERS, JR., Justice, MARY C. WALTERS, Justice, RICHARD E.
RANSOM, Justice

AUTHOR: PER CURIAM

OPINION

PER CURIAM

(Chief Justice Scarborough and Senior Justice Sosa not participating).

{1} Upon grant of rehearing in this matter, the opinion previously filed on July 17, 1987,
was withdrawn pending action by the Court on the merits of the rehearing.

{2} The Court, following submission of briefs by the Estate of Louis Rivera and by
petitioner, and after oral argument by the parties appearing at the rehearing, is satisfied
that the previous opinion handed down was correct. The considerations of possible
adultery, bigamy, and illegitimacy raised in cases cited by the Estate to support a nunc

pro tunc order are not present {260} in this case. Those cases which relied on statutory provisions or case law recognizing oral or written memoranda rulings or unfiled, non-documentary, decisions simply do not apply to our long-standing requirements for filed findings of fact and conclusions of law, followed by a filed written judgment to establish a judicial determination that then becomes a final judgment. See **State v. Diaz**, 100 N.M. 524, 673 P.2d 501 (1983); **Navajo Development Corp. v. Ruidoso Land Sales Co.**, 91 N.M. 142, 571 P.2d 409 (1977). Until that is done, intervening circumstances may require the judge to reconsider and change the tentative decision.

{3} The "letter decision" of the trial judge which was purported to have satisfied our requirements for a filed judgment, was not filed until two months after it was written and approximately 35 days after the death of the defendant.

{4} The July 17, 1987, opinion, therefore, is reinstated and directed to be published.

SCARBOROUGH, C.J., and SOSA, Senior Justice, not participating.