

STATE V. JOHNSON, 122 N.M. 227, 923 P.2d 594 (S. Ct. 1996)

**STATE OF NEW MEXICO, Plaintiff-Respondent,
vs.
THOMAS W. JOHNSON, Defendant-Petitioner.**

NO. 23,786

SUPREME COURT OF NEW MEXICO

122 N.M. 227, 923 P.2d 594

August 29, 1996, Decided

Petition for Writ of Certiorari Granted December 3, 1996.

OPINION

ORDER

WHEREAS, this matter came on for consideration by the Court upon petition for writ of certiorari to the New Mexico Court of Appeals and response thereto, and the Court having considered said petition and response and being sufficiently advised;

NOW, THEREFORE, IT IS ORDERED that the petition hereby is GRANTED on the following issue raised in the petition and a writ of certiorari shall issue to the New Mexico Court of Appeals:

Did the trial court err by refusing to tender an instruction on the defense theory that Johnson's actions were performed in the course of a citizens arrest?

IT IS FURTHER ORDERED that this matter is placed on an expedited tract and petitioner shall file his brief in chief on or before **September 16, 1996**, respondent's answer brief shall be timely if filed on or before **October 4, 1996**, and petitioner's reply brief, if any, shall be filed **October 9, 1996**;

IT IS FURTHER ORDERED that the briefs shall consolidate and update the briefs filed in the New Mexico Court of Appeals with respect to the issue identified, without incorporation by reference, and comment on the memorandum opinion filed June 4, 1996; and

IT IS FURTHER ORDERED that oral argument shall be heard in this matter in October 1996.