

STATE V. CARRASCO, 122 N.M. 416, 925 P.2d 882 (S. Ct. 1996)

**STATE OF NEW MEXICO, Plaintiff-Respondent,
vs.
ROBERT CARRASCO, Defendant-Petitioner.**

NO. 23,901

SUPREME COURT OF NEW MEXICO

October 15, 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 the Court having considered said petition and being sufficiently advised;

NOW, THEREFORE, IT IS ORDERED that the petition hereby is GRANTED on the following issue:

- (1) In determining the sufficiency of the evidence on accessory liability for the commission of violent crimes, did the Court of Appeals err in applying the "natural and probable consequence" test?
- (2) Was the defendant subjected to double jeopardy upon being sentenced for the commission of five offenses?
- (3) Was it error to impose a firearm enhancement for the conspiracy conviction?

IT IS FURTHER ORDERED that a writ of certiorari shall issue to the New Mexico Court of Appeals;

IT IS FURTHER ORDERED that this matter is placed on an expedited calendar and petitioner shall file his brief in chief on or before **November 5, 1996**, with respondent's answer brief to be filed on or before **November 26, 1996**, and petitioner's reply brief, if any, to be filed on or before **December 6, 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 opinion filed August 30, 1996; and

IT IS FURTHER ORDERED that this matter shall be placed on the December 1996 calendar and shall be submitted on the briefs only.