

STATE V. MILLER, 125 N.M. 147, 958 P.2d 105 (S. Ct. 1998)

**STATE OF NEW MEXICO, Plaintiff-Respondent,
vs.
HERBERT MILLER, Defendant-Petitioner.**

NO. 24,601

SUPREME COURT OF NEW MEXICO

125 N.M. 147, 958 P.2d 105

May 07, 1998, Decided

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 inadvertently entered an order denying said petition on September 24, 1997; and

WHEREAS, the order denying said petition on September 24, 1997 hereby is WITHDRAWN as improvidently entered and the New Mexico Court of Appeals shall recall its mandate in cause numbered 17,938.

NOW, THEREFORE, the petition hereby is GRANTED and a writ of certiorari shall issue to the New Mexico Court of Appeals; and

IT IS FURTHER ORDERED that a subsequent order shall be entered identifying the issue(s) upon which the petition is granted and setting forth instructions regarding a briefing schedule, if any.