

STATE V. MILLER, 126 N.M. 534, 972 P.2d 353 (S. Ct. 1998)

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

NO. 24,601

SUPREME COURT OF NEW MEXICO

972 P.2d 353

October 30, 1998, Decided

OPINION

ORDER

WHEREAS, this matter came on for consideration upon petition for writ of certiorari, and the Court having considered said petition and being sufficiently advised, issued its writ of certiorari on May 7, 1997, and, after further consideration of the petition and briefs filed therein, the judgment of the Court is that the writ shall be quashed, Chief Justice Gene E. Franchini, Senior Justice Joseph F. Baca, Justice Pamela B. Minzner, and Justice Patricio M. Serna, concurring; Justice Dan A. McKinnon, III dissenting;

NOW, THEREFORE, IT IS ORDERED that the writ of certiorari issued on May 7, 1997, hereby is QUASHED.

WITNESS, The Hon. Gene E. Franchini, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 30th day of October, 1998.