

**STATE V. BENALLY, 128 N.M. 690, 997 P.2d 822 (S. Ct. 2000)**

**STATE OF NEW MEXICO, Plaintiff-Respondent,  
vs.  
LATHAN BENALLY, Defendant-Petitioner.**

NO. 26,245

SUPREME COURT OF NEW MEXICO

128 N.M. 690, 997 P.2d 822

April 06, 2000, Decided

**OPINION**

**ORDER**

WHEREAS, this matter came on for consideration by the Court upon petition for writ of certiorari, and the Court having considered said petition and being sufficiently advised, Chief Justice Pamela B. Minzner, Justice Joseph F. Baca, Justice Gene E. Franchini, Justice Patricio M. Serna, and Justice Petra Jimenez Maes concurring;

NOW, THEREFORE, IT IS ORDERED that 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.

IT IS SO ORDERED.

WITNESS, The Hon. Pamela B. Minzner, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 6th day of April, 2000.

Kathleen Jo Gibson, Chief Clerk of the Supreme Court of the State of New Mexico