

**IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

**Official Citation: 2016-NMSC-037**

**Filing Date: August 24, 2016**

**NO. S-1-SC-35614**

**STATE OF NEW MEXICO,**

Plaintiff-Petitioner,

v.

**PETER CHAVEZ,**

Defendant-Respondent.

**AMENDED ORDER**

WHEREAS, this matter came on for consideration by the Court upon motion to abate proceedings to their inception upon suggestion of death and response thereto, the Court having considered said pleadings and being sufficiently advised, Chief Justice Charles W. Daniels, Justice Petra Jimenez Maes, Justice Edward L. Chavez, Justice Barbara J. Vigil, and Justice Judith K. Nakamura concurring;

NOW, THEREFORE, IT IS ORDERED that the motion is GRANTED and the matter shall be remanded for abatement of the proceedings from their inception;

IT IS FURTHER ORDERED that the Court of Appeals opinion shall be vacated and shall not be published nor cited as precedent; and

IT IS FURTHER ORDERED that an amended mandate shall issue immediately and the record proper, transcript of proceedings, and exhibits shall be returned to the New Mexico Court of Appeals.

IT IS SO ORDERED.

WITNESS, Honorable Chief Justice Charles W. Daniels  
of the Supreme Court of the State of New Mexico, and  
the seal of said Court this 24th day of August, 2016.

( S E A L )

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Joey D. Moya, Chief Clerk of the Supreme Court  
of the State of New Mexico