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IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

Filing Date: December 12, 2019

No. S-1-SC-37164

FRANK DOMBOS,

Plaintiff-Respondent,

v.

ROBERT STEWART,

Defendant-Petitioner.

**ORIGINAL PROCEEDING ON CERTIORARI
Amanda Sanchez Villalobos, District Judge**

New Mexico Corrections Department
Brian E. Fitzgerald, Deputy General Counsel
Santa Fe, NM

for Petitioner

Frank Dombos, Pro Se
Chaparral, NM

for Respondent

DISPOSITIONAL ORDER OF REVERSAL

THOMSON, Justice.

{1} THIS MATTER comes before the Court pursuant to Rule 12-502 NMRA. The Court of Appeals dismissed the appeal without reviewing the merits. Having reviewed the briefs submitted to this Court, and being otherwise fully informed on the issues and applicable law, we conclude that there is no reasonable likelihood that a decision or formal opinion of the Court will materially advance the law of the State. We therefore dispose of this case by nonprecedential order. See Rule 12-405(B) NMRA.

{2} Failure to meet deadlines after a proper, timely filing of the notice of appeal was the apparent basis of procedural dismissal by the Court of Appeals. Nevertheless, the orderly disposition of appeals is important, and parties must carefully follow all of the Rules of Appellate Procedure. Courts have tools and sufficient power to ensure that parties comply with all procedural rules. See, e.g., Rule 12-312 (D) NMRA (providing sanctions for the failure to comply with rules). However, New Mexico “has consistently followed a policy of construing rules liberally, to the end that causes on appeal may be determined on the merits where it can be done without impeding or confusing administration or perpetrating injustice.” *Olguin v. State*, 1977-NMSC-034, ¶ 4, 90 N.M. 303, 563 P.2d 97 (internal quotation marks and citation omitted).

{3} IT IS THEREFORE ORDERED that the Court of Appeals dismissal is reversed and that this case is remanded to the Court of Appeals for briefing and a determination on the merits of the appeal.

{4} IT IS SO ORDERED.

JUDITH K. NAKAMURA, Chief Justice

BARBARA J. VIGIL, Justice

C. SHANNON BACON, Justice

DAVID K. THOMSON, Justice