

This decision of the Supreme Court of New Mexico was not selected for publication in the New Mexico Appellate Reports. Refer to Rule 12-405 NMRA for restrictions on the citation of unpublished decisions. Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Supreme Court.

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

**Filing Date: July 24, 2023**

**No. S-1-SC-38927**

**STATE OF NEW MEXICO,**

Plaintiff-Appellant,

v.

**PATRICK PINTO,**

Defendant-Appellee.

**APPEAL FROM THE DISTRICT COURT OF SAN JUAN COUNTY  
Karen Townsend, District Judge**

Hector H. Balderas, Attorney General  
Mark Lovato, Assistant Attorney General  
Maris Veidemanis, Assistant Attorney General  
Santa Fe, NM

for Appellant

Bennett J. Baur, Chief Public Defender  
Tania Shahani, Appellate Public Defender  
Santa Fe, NM

for Appellee

**DISPOSITIONAL ORDER OF AFFIRMANCE**

**VIGIL, Justice.**

{1} WHEREAS, this matter came before this Court on the State's direct appeal under Rules 5-802(N)(1) and 12-102(A)(3) NMRA of the district court's order granting Defendant Patrick Pinto's petition for writ of habeas corpus and order for duration-review hearing under NMSA 1978, Section 31-21-10.1(C) (2007), which requires a duration-review hearing after five years served on supervised parole, on the grounds that Defendant was not entitled to this hearing because he had not yet served five years

of supervised parole in “the community,” NMSA 1978, § 31-21-5(B) (1991, amended 2023);

{2} WHEREAS, the Court placed this matter on the general calendar and ordered that this case be held in abeyance pending the Court’s disposition of *State v. Thompson*, 2022-NMSC-023, 521 P.3d 64;

{3} WHEREAS, this Court has issued an opinion and mandate in *Thompson, id.*;

{4} WHEREAS, the Court concludes that the issue of law presented in this case was addressed by the Court’s opinion in *Thompson, id.*; and

{5} WHEREAS, the Court exercises its discretion under Rule 12-405(B)(1) NMRA to dispose of this case by nonprecedential order rather than a formal opinion;

{6} NOW, THEREFORE, IT IS ORDERED that the abeyance is VACATED and the district court’s order granting petition for writ of habeas corpus and ordering a duration-review hearing is AFFIRMED, and this matter is REMANDED to the district court for further proceedings in accordance with *Thompson*, 2022-NMSC-023.

{7} **IT IS SO ORDERED.**

**MICHAEL E. VIGIL, Justice**

**WE CONCUR:**

**C. SHANNON BACON, Chief Justice**

**DAVID K. THOMSON, Justice**

**JULIE J. VARGAS, Justice**

**BRIANA H. ZAMORA, Justice**