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IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

Filing Date: June 17, 2024

No. S-1-SC-39156

VILLAGE PARK MANUFACTURED HOME,

Plaintiff-Respondent,

v.

**ERICA GALLEGOS-CABRERA
a/k/a ERIKA GALLEGOS,**

Defendant-Petitioner.

CONSOLIDATED WITH

No. S-1-SC-39246

VILLAGE PARK MANUFACTURED HOME,

Plaintiff-Appellee,

v.

**ERICA GALLEGOS-CABRERA
a/k/a ERIKA GALLEGOS,**

Defendant-Appellant.

**ORIGINAL PROCEEDING ON CERTIORARI
Benjamin Chavez, District Judge**

New Mexico Center on Law and Poverty
Lindsay Cutler
Maria T. Griego
Sovereign Hager
Albuquerque, NM

New Mexico Legal Aid, Inc.

Thomas Prettyman
Albuquerque, NM

for Petitioner

Vance, Chavez & Associates, LLC
James A. Chavez
Albuquerque, NM

for Respondent

DISPOSITIONAL ORDER OF REMAND

PER CURIAM.

{1} WHEREAS, this matter came on for consideration upon petition for writ of certiorari to the New Mexico Court of Appeals filed pursuant to Rule 12-502 NMRA in case number S-1-SC-39156 and certification request from the New Mexico Court of Appeals in case number S-1-SC-39246;

{2} WHEREAS, the Court having considered the foregoing petition and certification request and being sufficiently advised issued its writ of certiorari in case number S-1-SC-39156 on March 2, 2022, and accepted certification in case number S-1-SC-39246 on April 22, 2022;

{3} WHEREAS, on April 22, 2022, the Court consolidated the cases and ordered briefing on the issues, and on November 7, 2022, the Court held the consolidated matters in abeyance pending this Court's disposition in *Padilla v. Torres*, No. S-1-SC-35619;

{4} WHEREAS, this Court issued an opinion in *Padilla* on February 5, 2024, reversing and remanding that matter to the metropolitan court for a new trial, see *Padilla v. Torres*, 2024-NMSC-007, ¶ 2 548 P.3d 31;

{5} WHEREAS, the Court concludes that the issues presented in this matter are addressed by the Court's opinion in *Padilla*;

{6} WHEREAS, the Court, therefore, exercises its discretion under Rule 12-405(B) NMRA to dispose of this matter by nonprecedential order; and

{7} WHEREAS, the Court having considered the foregoing and being sufficiently advised;

{8} NOW, THEREFORE, IT IS ORDERED that the Court's November 7, 2022, order is WITHDRAWN as to the abeyance; and

{9} IT IS FURTHER ORDERED that this matter is remanded to the metropolitan court for a new trial in accordance with *Padilla*.

{10} IT IS SO ORDERED.

WE CONCUR:

DAVID K. THOMSON, Chief Justice

MICHAEL E. VIGIL, Justice

C. SHANNON BACON, Justice

JULIE J. VARGAS, Justice

BRIANA H. ZAMORA, Justice