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IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

Filing Date: July 25, 2024

No. S-1-SC-35696

BROADWAY APARTMENTS,

Plaintiff-Appellee,

v.

RAY VALDEZ,

Defendant-Appellant.

**CERTIFICATION FROM THE COURT OF APPEALS
Clay Campbell, District Judge**

New Mexico Legal Aid, Inc.
Thomas Prettyman
Albuquerque, NM

for Appellant

Lu Garcia
Pro se
Albuquerque, NM

for Appellee

DISPOSITIONAL ORDER OF REMAND

PER CURIAM.

{1} WHEREAS, on February 15, 2016, the Court accepted certification and held this matter in abeyance pending this Court's disposition in *Padilla v. Torres*, No. S-1-SC-35619;

{2} WHEREAS, on August 17, 2022, Defendant's counsel filed a Notice of Suggestion of Death;

{3} 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;

{4} WHEREAS, the Court concludes that the certification question presented in this matter is addressed by the Court's opinion in *Padilla*;

{5} WHEREAS, the Court, therefore, exercises its discretion under Rule 12-405(B) NMRA to dispose of this matter by non-precedential order; and

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

{7} NOW, THEREFORE, IT IS ORDERED that the Court's February 15, 2016, order is WITHDRAWN as to the abeyance;

{8} IT IS FURTHER ORDERED that the parties shall file a notice of suggestion of death in the metropolitan court pursuant to Rule 3-403 NMRA; and

{9} IT IS FURTHER ORDERED that this matter is remanded to the metropolitan court for further proceedings.

{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