

Original

ENDORSED

FILED IN MY OFFICE
DISTRICT COURT CLERK

19 NOV - 7 AM 9:59

PHILLIP ROMERO

STATE OF NEW MEXICO
COUNTY OF VALENCIA
THIRTEENTH JUDICIAL DISTRICT COURT

CECIL BOYETT,
Petitioner,

BY _____ DEPUTY

v.

No. D-1314-CR-2004-00065

STATE OF NEW MEXICO and
DWAYNE SANTISTEVAN, Warden,
Respondents.

PROCEDURAL ORDER ON PETITION FOR WRIT OF HABEAS CORPUS

This matter having come before the court on petitioner's petition for a writ of habeas corpus or other pleading pursuant to Rule 5-802 NMRA of the Rules of Criminal Procedure for the District Courts, the court having reviewed the record and being otherwise fully advised in the premises, FINDS AND ORDERS THAT:

SUMMARY DISMISSAL IS APPROPRIATE

The Court orders that this matter is summarily dismissed because based on a review of the files, pleadings, and records, that as a matter of law, Petitioner is not entitled to relief. The basis for the dismissal is:

Petitioner has raised numerous issues already decided in his appeal to the Supreme Court of New Mexico or in his previous Petition for Writ of Habeas Corpus. Neither the law nor the facts relating to these issues has changed. Further, the ends of justice would not be served by allowing Petitioner to re-litigate the claims.

Petitioner has raised several new claims regarding ineffective assistance of counsel and challenges the judge's decisions at trial and in subsequent hearings. Petitioner had the opportunity to raise these issues on appeal or in his previous Petition for Writ of Habeas Corpus. The Petitioner has not shown fundamental error occurred or that the claims are based on previously unavailable information. Therefore, the Court finds Petitioner has waived the new claims.

Honorable James Lawrence Sanchez
District Court Judge

[APPENDIX A]

Rec'd
12-12-19

Joey D. Moya

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO
December 09, 2019

NO. S-1-SC-38032

CECIL BOYETT,

Petitioner,

1

STATE OF NEW MEXICO.

Respondent.

ORDER

WHEREAS, this matter came on for consideration by the Court upon petition for writ of certiorari filed under Rule 12-501 NMRA, and the Court having considered the foregoing and being sufficiently advised, Justice Michael E. Vigil, Justice C. Shannon Bacon, and Justice David K. Thomson concurring;

NOW, THEREFORE, IT IS ORDERED that the petition for writ of certiorari is DENIED.

22 | IT IS SO ORDERED.



WITNESS, the Honorable Judith K. Nakamura,
Chief Justice of the Supreme Court of the State of
New Mexico, and the seal of said Court this 9th day
of December, 2019.

Joey D. Moya, Clerk of Court
Supreme Court of New Mexico

By Madeline Gracia
Chief Deputy Clerk

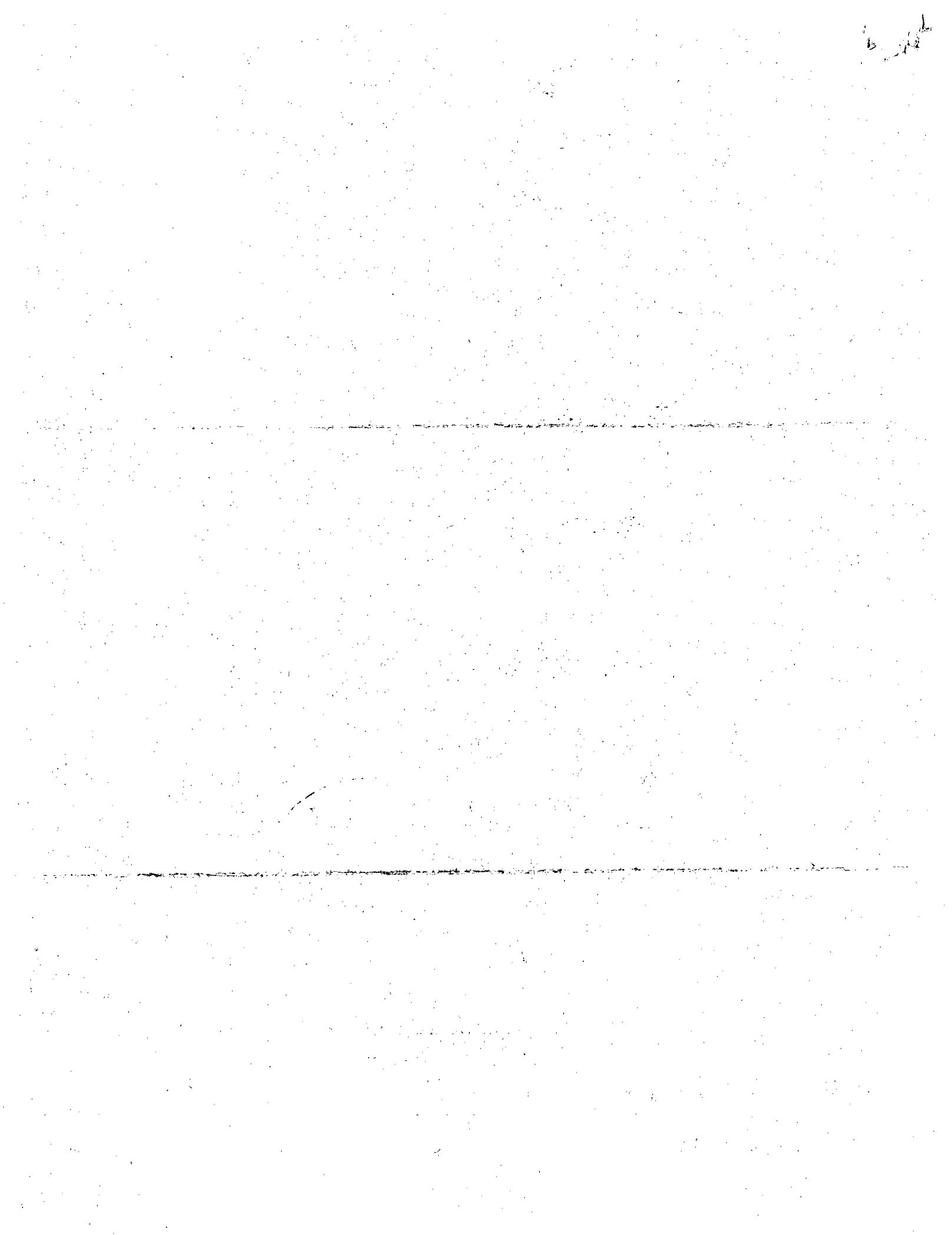
I CERTIFY AND ATTEST:

A true copy was served on all parties or their counsel of record on date filed.

Madeline Gosselin

**Clerk of the Supreme Court
of the State of New Mexico**

APPENDIX B



**Additional material
from this filing is
available in the
Clerk's Office.**