

1 IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

January 31, 2025

4 NO. S-1-SC-40737

6 GERARDO CASTELO ANAYA,

Petitioner,

State # D-202-cr.2006-
03846

10 | v.

12 JESSICA VIGIL, Warden,

Respondent.

ORDER

16 WHEREAS, this matter came on for consideration by the Court upon petition
17 for writ of certiorari filed under Rule 12-501 NMRA, and the Court having considered
18 the petition and being sufficiently advised, Justice Michael E. Vigil, Justice C.
19 Shannon Bacon, and Justice Julie J. Vargas, concurring:

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

22 IT IS SO ORDERED

WITNESS, the Honorable David K. Thomson, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 31st day of January, 2025.

Elizabeth A. Garcia, Clerk of Court
Supreme Court of New Mexico

By Mycelle Vigil
Deputy Clerk

I CERTIFY AND ATTEST:

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

Porque es (denied)
cuando un cargo criminal
es (unclear) no los entiendo

Appendix (F)

FILE
2ND JUDICIAL DISTRICT COUF
Bernalillo Coun
11/15/2024 1:37 P
KATINA WATSO
CLERK OF THE COUR
Rudy Ort

SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

GERARDO CASTELO ANAYA,

Petitioner,

vs.

~~D-202-CR-2006-3846~~

STATE OF NEW MEXICO,

Respondent.

ORDER ON PETITION FOR WRIT OF HABEAS CORPUS

THIS MATTER, having come before the Court on Petitioner's Pro Se Petition for Writ of Habeas Corpus filed on September 18, 2024 and on October 15, 2024 pursuant to Rule 5-802 of the Rules of Criminal Procedure for the District Courts and the Court having reviewed the Petition and the Public Defender's Notice of 5-802(H)(1) Pre-Appointment Review filed on November 15, 2024 and being otherwise fully advised in the premises hereby **FINDS AND ORDERS THAT THIS PETITION IS SUMMARILY DISMISSED** as the Petitioner is not entitled to relief as a matter of law for the reasons outlined in the 5-802(H)(1) Pre-Appointment Review.


CINDY LEOS
DISTRICT COURT JUDGE

cc: Petitioner, Gerardo Anaya
Law Office of Public Defender Habeas Unit – Amanda Stephenson
District Attorney Office – Habeas Unit

Appendix (C)

SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

GERARDO CASTELO ANAYA,

Petitioner,

vs.

D-202-CR-2006-3846

STATE OF NEW MEXICO,

Respondent.

ORDER ON PETITION FOR WRIT OF HABEAS CORPUS.

THIS MATTER, having come before the Court on Petitioner's Pro Se Petition for Writ of Habeas Corpus filed on September 18, 2024 pursuant to Rule 5-802 of the Rules of Criminal Procedure for the District Courts and the Court having reviewed the Petition and the Public Defender's Notice of 5-802(H)(1) Pre-Appointment Review and being otherwise fully advised in the premises FINDS AND ORDERS:

Petitioner is to revise his Petition. The Court is unable to determine from the face of the petition whether the petition should be allowed to go forward on the merits or dismissed. The Court is unable to determine from the face of the Petition whether the Petition should be allowed to move forward on the merits or dismissed. The Court is returning the Petition to the petitioner to revise and supplement with the aforementioned documents. Petitioner must submit the revised Petition and supply the documents no later than December 27, 2024 which is more than 45 days from returning the copy of the Petition and within the 120 day review period. If Petitioner fails to file the revised Petition with the required documents, the Petition will be dismissed.

Appendix - B


CINDY LEOS
DISTRICT COURT JUDGE

cc: Petitioner, Gerardo Anaya
Law Office of Public Defender Habeas Unit
District Attorney Office – Habeas