

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

November 13, 2006

NO. 29,878

LIANA NASCI and her minor daughter, J.C.,

Petitioners,

v.

HON. JOHN W. POPE,

Respondent,

and

CODY EAST,

Real Party in Interest,

and

OFFICE OF THE DISTRICT ATTORNEY
FOR THE THIRTEENTH JUDICIAL DISTRICT,

Intervenor.

A M E N D E D ORDER OF REMAND

WHEREAS, this matter came on for consideration by the Court upon petition for writ of superintending control, response thereto, amici briefs and reply thereto, and oral argument by the parties, and the Court having considered said pleadings and oral argument and being sufficiently advised, Chief Justice Richard C. Bosson, Justice Pamela B. Minzner, Justice Patricio M. Serna, Justice Petra Jimenez Maes, and Justice Edward L. Chávez concurring;

NOW, THEREFORE, IT IS ORDERED that the victim has standing to file a motion with the district court seeking to attend all public district court proceedings the accused has the right to attend;

1 IT IS FURTHER ORDERED that in making its ruling the district court should try
2 to maximize the protections available to the victim and to the accused under the rules
3 of procedure, rules of evidence including Rules 11-611 and 11-615 NMRA, the State
4 statutes, and State and Federal Constitutions; and
5

6 IT IS FURTHER ORDERED that the matter hereby is REMANDED to the
7 Thirteenth Judicial District Court in Valencia County for further proceedings consistent
8 and in conformity with the Order of this Court.
9

10 IT IS SO ORDERED.

11 WITNESS, Honorable Richard C. Bosson, Chief Justice
12 of the Supreme Court of the State of New Mexico, and
13 the seal of said Court this 13th day of November, 2006.

14 (SEAL)

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16 Kathleen Gibson, Chief Clerk of the Supreme Court
17 of the State of New Mexico
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