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IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

Filing Date: May 26, 2022

No. S-1-SC-37719

STATE OF NEW MEXICO,

Plaintiff-Respondent,

v.

EUGENE GARCIA,

Defendant-Petitioner.

**ORIGINAL PROCEEDING ON CERTIORARI
Karen L. Townsend, District Judge**

Bennett J. Baur, Chief Public Defender
Caitlin C.M. Smith, Assistant Appellate Defender
Santa Fe, NM

for Petitioner

Hector H. Balderas, Attorney General
John Kloss, Assistant Attorney General
Santa Fe, NM

for Respondent

DISPOSITIONAL ORDER OF AFFIRMANCE

VIGIL, Chief Justice.

{1} WHEREAS, the Court granted Defendant Eugene Garcia's petition for writ of certiorari to review the Court of Appeals determination that the district court erred in ruling that the blood test results at issue were inadmissible because the district court misapprehended *State v. Adams*, 2019-NMCA-043, 447 P.3d 1142 and NMSA 1978, Section 66-8-103 (1978); and

{2} WHEREAS, the Court ordered that this case be held in abeyance pending the Court's disposition of *State v. Adams*, 2022-NMSC-008, 503 P.3d 1130; and

{3} WHEREAS, this Court issued an opinion in *Adams, id.*; and

{4} WHEREAS, the Court concludes that the issue of law presented in this case was addressed by the Court's opinion in *Adams, id.*; and

{5} WHEREAS, the Court exercises its discretion under Rule 12-405(B)(1) NMRA to dispose of this case by nonprecedential order rather than a formal opinion;

{6} NOW, THEREFORE, IT IS ORDERED that the memorandum opinion of the Court of Appeals is affirmed, and the matter is remanded to the district court for further proceedings in accordance with *Adams*, 2022-NMSC-008.

{7} IT IS SO ORDERED.

MICHAEL E. VIGIL, Chief Justice

C. SHANNON BACON, Justice

DAVID K. THOMSON, Justice

JULIE J. VARGAS, Justice

BRIANA H. ZAMORA, Justice, not participating