

1986

Utah v. Vigil : Unknown

Utah Supreme Court

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Unknown.

Unknown.

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COURT OF APPEALS

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JUN 25 1985

CKET NO. 860048-CA

25 June 1985

Geoffrey Butler, Clerk
Utah Supreme Court
Room 332
State Capitol Building
Salt Lake City, Utah 84114

Re: Utah v. Vijil, No. 20111

Dear Mr. Butler:

Pursuant to Rule 24(j), Utah Rules of Appellate Procedure, the appellant, Daniel Vijil, wishes to advise the Court of supplemental authority, pertinent to this action, not previously cited by either party.

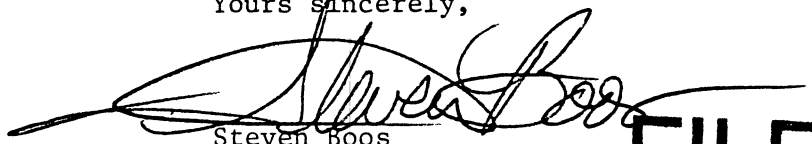
In State of New Mexico Ex. Rel. Department of Human Services v. Jojola (1983), 99 N.M. 500, 660 P.2d 590, the New Mexico Supreme Court addressed the issue of whether it could exercise subject matter jurisdiction to pursue an action to determine paternity and support by one reservation Indian against a second reservation Indian. The Court determined that such jurisdiction was not barred as an infringement upon tribal sovereignty.

This decision is important as it generally supports the respondent's position that the State of Utah has subject matter jurisdiction over the present action. The decision is also important as an indication that New Mexico has abandoned the infringement test of State Securities v. Anderson (1973), 84 N.M. 629, 506 P.2d 786, relied upon by the respondent in this appeal at pages 7-8 of its brief, and replaced it with the test of Chino v. Chino (1977), 90 N.M. 203, 561 P.2d 476, as the appellant suggested in his Reply Brief at pages 12-13.

Although the appellant disagrees with the New Mexico Court on its analysis and conclusions on the issue of subject matter jurisdiction, he will reserve argument on these matters, as required by Rule 24(j), until the Court holds oral arguments in this appeal.

Thank you.

Yours sincerely,


Steven Boos
Attorney at Law

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JUN 28 1985

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Clerk, Supreme Court, Utah
860048 CA