

1 **ALBERTO VILLANUEVA CAPRIO,**

2 Real Party in Interest.

3 **ORDER**

4 WHEREAS, this matter came on for consideration by the Court, in this
5 consolidated proceeding, upon verified petitions for emergency writs of
6 superintending control and requests for stay filed under Rule 12-504 NMRA,
7 responses thereto, briefing, and oral arguments of the parties before the Court on
8 April 30, 2024;

9 WHEREAS the Court previously granted stays in both underlying
10 proceedings in this matter, and the Court having considered the foregoing and being
11 sufficiently advised; Chief Justice David K. Thomson, Justice Michael E. Vigil,
12 Justice C. Shannon Bacon, Justice Julie J. Vargas, and Justice Briana H. Zamora
13 concurring;

14 NOW, THEREFORE, IT IS ORDERED that the petitions are GRANTED, to
15 the extent they seek a prohibition on the production of T or U-Visa applications and
16 related materials;

17 IT IS FURTHER ORDERED that the stays in the underlying proceedings—
18 D-1116-CR-2020-00835 and D-202-CR-2021-01400—are LIFTED, and the district
19 courts are directed to proceed in their respective cases;

20 IT IS FURTHER ORDERED that the district court order denying Petitioners'
21 motion to quash subpoena in cause numbered D-1116-CR-2020-00835, and the
22 district court order denying Petitioner's motion to quash subpoena duces tecum and
23 motion to reconsider in cause numbered D-202-CR-2021-01400 are REVERSED;

24 IT IS FURTHER ORDERED that separate writs of superintending control
25 shall issue to the Eleventh and the Second Judicial Courts directing the Hon. Daylene

1 Marsh and the Hon. Cindy Leos, respectively, to reconsider and grant Petitioners'
2 motions to quash subpoenas compelling the production of T or U-Visa
3 nonimmigrant status applications and related materials, to compel the return or
4 destruction of any visa materials previously produced, and to prohibit further
5 production or use of any such related materials in future proceedings; and

6 IT IS FURTHER ORDERED that this Court shall later issue a written opinion
7 to provide additional guidance and further explain the Court's reasoning in this
8 matter.

9 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 7th day of May, 2024.

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

I CERTIFY AND ATTEST:
A true copy was served on all parties
or their counsel of record on date filed.
Kristen Edwards
Deputy Clerk of the Supreme Court
of the State of New Mexico

By Kristen R. Edwards
Deputy Clerk

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1 Real Party in Interest.

2 **WRIT OF SUPERINTENDING CONTROL**

3 TO: Hon. Daylene Marsh
4 Eleventh Judicial District Court
5 851 Andrea Drive
6 Farmington, NM 87401
7

8 GREETINGS:

9 WHEREAS, a petition for writ of superintending control having been granted
10 by this Court on May 7, 2024, and the Court being sufficiently informed and good
11 cause appearing for the issuance of a writ of superintending control;

12 NOW, THEREFORE, you, Hon. Daylene Marsh, are ordered to reconsider
13 and grant Petitioners' motion to quash subpoena compelling the production of the
14 U-Visa nonimmigrant status application and related materials, to prohibit the
15 production or use of any such related materials in this matter, and to otherwise
16 proceed in in cause numbered D-1116-CR-2020-00835 in accordance with the order
17 issued contemporaneously with this writ.

18 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 7th day of May, 2024.

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

I CERTIFY AND ATTEST:
A true copy was served on all parties
or their counsel of record on date filed.
Kristen Edwards
Deputy Clerk of the Supreme Court
of the State of New Mexico

By Kristen R. Edwards
Deputy Clerk

