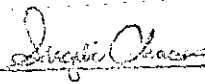


STATE OF NEW MEXICO
COUNTY OF LUNA
SIXTH JUDICIAL DISTRICT

FILED
DISTRICT COURT OF
LUNA COUNTY, N.M.

2011 JUL 15 PM 4:22


CLERK
DEPUTY

STATE OF NEW MEXICO ex. rel. Gordon Mast,
Petitioner,

v.

No. CV 2011-00213

Magistrate Court Clerk of Luna County, New Mexico,
Respondent,

Sara Jasso,
Real Party in Interest.

FIRST AMENDED ALTERNATIVE WRIT OF MANDAMUS

WHEREAS, this Court has authority under Article VI, Section 13 of the New Mexico Constitution and NMSA 1978, §44-2-3 to issue an Alternative Writ of Mandamus against the Magistrate Court Clerk of Luna County, New Mexico, and Respondent Sarah Jasso of that court;

WHEREAS, on February 8, 2010, March 17, 2010, and May 10, 2010, the Petitioner submitted requests for information (copies of which are attached as Exhibits 1 through 3) to the Respondent;

WHEREAS, pursuant to NMSA 1978, §14-2-1 (“Inspection of Public Records Act”), with certain exceptions, every person has a right to inspect public records;

WHEREAS, pursuant to NMSA 1978, §14-2-11 “a written request for inspection of public records that has not been permitted within fifteen days of receipt by the office of the custodian may be deemed denied”;

WHEREAS, pursuant to NMSA 1978, §14-2-12 “an action to enforce the Inspection of Public Records Act may be brought by * * * a person whose written request has been denied and a

district court may issue a writ of mandamus * * * to enforce the provisions of the Inspection of Public Records Act”;

WHEREAS; the Respondent has neither responded to said requests for information nor stated why it is not required to provide that information;

WHEREAS, by failing to either provide the information requested or state why it is not required to produce the information under the Inspection of Public Records Act, the Respondent is failing to comply with this mandatory, non-discretionary duty under the Inspection of Public Records Act;

WHEREAS, the Petitioner is a citizen of Luna County, New Mexico, whose address is P. O. Box 2743, Deming, New Mexico 88031;

WHEREAS, the Respondent is the Magistrate Court of Luna County whose address is 912 South Silver Avenue, Deming, Luna County, New Mexico;

WHEREAS, Sara Jasso, the Real Party in Interest, is the Chief Clerk of the Luna County Magistrate Court;

WHEREAS, venue is proper in Luna County;

WHEREAS, you, Respondent, Sara Jasso, are hereby commanded to :

A. Within thirty (30) days after receipt of this writ, provide the Petitioner the information requested on Exhibits 1 through 3 attached hereto;

or if any need there be:

B. Within thirty (30) days after receipt of this writ, request a setting, with notice to the Petitioner, to SHOW CAUSE before the Sixth Judicial District Court, Division II, at 855 South Platinum Avenue, Deming, Luna County, New Mexico, why you have not done so; and

C. That you then and there return this writ with your certificate of having done as you are commanded.

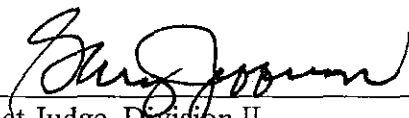
WHEREAS, you, Petitioner, Gordon Mast, are hereby directed:

A. To effect service of a copy of this writ, with copy of the petition annexed, upon both the Respondent, Sara Jasso, and the Attorney General of New Mexico forthwith as required by Rules

1-065.H and Rule 1-004.H(1)(c) NMRA.

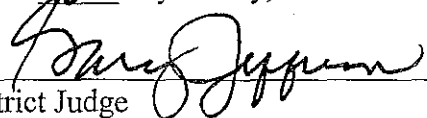
B. To complete service pursuant to Rule 1-004. "Service may be made by mail or commercial courier service provided that the envelope is addressed to the named [party] and further provided that the [party] or a person authorized by appointment, by law or by this rule to accept service of process upon the [party] signs a receipt for the envelope or package containing the * * * writ or other process." Rule 1-004.E(3) NMRA (note: service by First Class U. S. Mail is not adequate).

C. To promptly file proof of service with the Court. "Proof of service by mail or commercial courier service shall be established by filing with the court a certificate of service which shall include the date of delivery by the post office or commercial courier service and a copy of the [party's] signature receipt." Rule 1-004.L NMRA.



District Judge, Division II
Sixth Judicial District

I certify that I have mailed/delivered a copy of the foregoing to the Petitioner at: Gordon Mast, P. O. Box 2743, Deming, NM 88031; on this 15th day of July, 2011.



District Judge