

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

STATE OF NEW MEXICO

Plaintiff-Petitioner

vs.

DR. DONALD RICK LEE, DVM

Defendant-Respondent

Court of Appeals No. 25,822
Supreme Court No. 30,524

and

STATE OF NEW MEXICO

Plaintiff-Petitioner

vs.

CHARLES RIVER LABORATORIES,

Defendant-Respondent.

ORIGINAL

SUPREME COURT OF NEW MEXICO

FILED

JUL 11 2007

Martin J. Chavez

**MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF
REGARDING THE STATE'S PETITION FOR WRIT
OF CERTIORARI TO THE SUPREME COURT**

COMES NOW, Martin J. Chávez, Mayor of the City of Albuquerque, and moves for leave to file a brief of *amicus curiae* in support of the State of New Mexico's petition for writ of certiorari from the New Mexico Court of Appeals to the New Mexico Supreme Court in the captioned matter.

1. As Mayor of the City of Albuquerque, movant Martin J. Chávez (hereinafter "Mayor Chávez") is responsible for implementation and enforcement of animal cruelty and neglect laws in the City of Albuquerque. Mayor Chávez is also a member of the State of New Mexico Attorney General's Animal Cruelty Task Force.

2. Mayor Chávez is responsible for preventing cruelty to or neglect of animals by persons and entities in the City of Albuquerque including kennels, grooming parlors, private shelters and others that house animals in the City and take responsibility for their care.

3. The New Mexico Court of Appeals rendered an opinion in the captioned matter on June 14, 2007 ("Opinion").

4. The Opinion would ostensibly allow entities that house animals in the City of Albuquerque to exempt themselves from the State of New Mexico animal cruelty statute and the City of Albuquerque Humane and Ethical Animal Rules and Treatment Ordinance by simply entering a contract for services with a veterinarian.

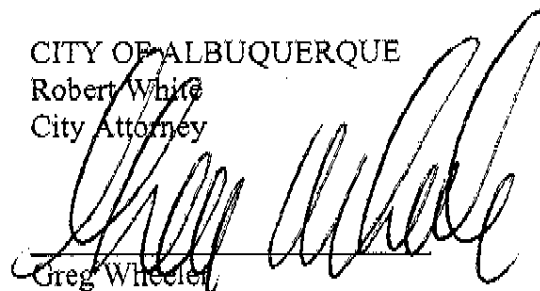
5. The Opinion creates a loophole that effectively subsumes the purpose of the animal cruelty laws as applied to entities that house animals in the City of Albuquerque.

6. The Mayor of the City of Albuquerque has an interest in protecting animals under his jurisdiction and the Opinion exacerbates the exercise of that interest.

7. Given the nature of this Motion, the consent of counsel for appellees was neither sought nor obtained.

Respectfully submitted by:

CITY OF ALBUQUERQUE
Robert White
City Attorney



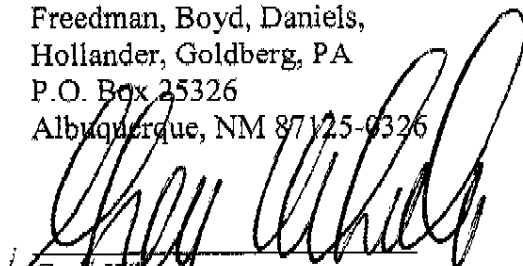
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I certify that a correct and accurate copy of the foregoing pleading was delivered by first-class mail on this 10th day of July, 2007 to:

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