

NOV 24 2009



STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT

Santa Fe, Rio Arriba &
Los Alamos Counties
PO Box 2268
Santa Fe, NM 87504-2268

IN RE RESCUE ECOVERSITY PETITION

No. D-0101-CV-2009-02377

**ORDER DENYING REQUEST FOR ORDER TO ISSUE CONVENING GRAND
JURY INVESTIGATION AND DISMISSAL OF CAUSE WITH PREJUDICE**

This matter, having come before the Court on the petition of Claude Convisser requesting a grand jury investigation into matters surrounding the Frances Harwood will; and the Court having considered the pleadings on file with the Court and having heard the argument of Claude Convisser, Ted Apodaca, Assistant County Attorney for the County of Santa Fe, and Walter J. Melendres, Montgomery & Andrews, P.A., for EcoVersity, Prajna Foundation, and Jeff Harbour, as an officer and director of EcoVersity and Prajna Foundation, and being informed in the premises:

FINDS:

1. Article II, Section 14 of the New Mexico Constitution requires a petition for the convening of a grand jury to investigate the subject of the petition to be signed by not less than the greater of two hundred registered voters or two (2) percent of the registered voters of the county.
2. The Santa Fe County Clerk and the Court cannot verify that any of the signers of the subject petition are registered voters of Santa Fe County because the petition signers did not provide sufficient information to determine if any signer is a qualified voter in Santa Fe County.
3. The petition in this cause does not meet the Constitutional requirement for convening a grand jury by petition of two (2) percent of the registered voters of Santa Fe County.

NOW THEREFOR, IT IS ORDERED that the petition to convene a grand jury to investigate the subject of the petition be, and hereby is, denied, and this cause is dismissed with prejudice.

MICHAEL E. VIGIL

Michael E. Vigil, Judge,
First Judicial District Court,
State of New Mexico

Submitted by:

MONTGOMERY & ANDREWS, P.A.

By: Walter J. Melendres
Walter J. Melendres

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Attorneys for EcoVersity, Prajna Foundation,
and Jeff Harbour as an Officer and Director
of EcoVersity and Prajna Foundation

Approved:

COUNTY OF SANTA FE

By: Approved 11/19/09 Ted Apodaca
Ted Apodaca,
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Approved as to form:

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