

STATE V. GRESHAM

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STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
ROGER GRESHAM,
Defendant-Appellant.

No. 31,800

COURT OF APPEALS OF NEW MEXICO

July 3, 2012

APPEAL FROM THE DISTRICT COURT OF SAN JUAN COUNTY, John A. Dean Jr.,
District Judge

COUNSEL

Gary K. King, Attorney General, Santa Fe, NM, for Appellee

Roger Gresham, Adelanto, CA, Pro Se Appellant

JUDGES

MICHAEL E. VIGIL, Judge. WE CONCUR: CELIA FOY CASTILLO, Chief Judge,
TIMOTHY L. GARCIA, Judge

AUTHOR: MICHAEL E. VIGIL

MEMORANDUM OPINION

VIGIL, Judge.

Defendant appeals the district court's denial of his petition for relief from judgment. We proposed to affirm the district court. Defendant has timely responded. We have considered his arguments and not being persuaded, we affirm.

In our notice, we pointed out Defendant was charged with and convicted of the crime of burglary, a crime that had been enacted in 1963 by the New Mexico Legislature. In so doing, we cited to the New Mexico Laws, which designated the crime as § 16-3 (1963 N.M. Laws, ch. 303, § 16-3). Defendant now argues that he was convicted of the crime designated as § 40A-16-3 (NMSA 1978, § 40A-16-3 (1963) (amended 1971)). The two are the same crime. Section 40A-16-3 is simply how the crime was designated when it was compiled into the New Mexico Statutes Annotated. The citation to New Mexico Laws in our calendar notice was simply to show the original source when the law was enacted. After its enactment, a law is compiled so that laws on the same subject are gathered together in the same place. Thus, all laws describing crimes were compiled in Section 40A from 1963 to 1978.

Defendant's argument is unpersuasive as the crime that he was convicted of—burglary—was enacted in 1963, two years before he was convicted. For the reasons stated herein and in the second notice of proposed disposition, we affirm.

IT IS SO ORDERED.

MICHAEL E. VIGIL, Judge

WE CONCUR:

CELIA FOY CASTILLO, Chief Judge

TIMOTHY L. GARCIA, Judge