

<b>STATE V. LOPEZ</b>
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**STATE OF NEW MEXICO,**  
Plaintiff-Appellee,  
v.  
**NICHOLAS RAY LOPEZ,**  
Defendant-Appellant.

No. 32,104

COURT OF APPEALS OF NEW MEXICO

July 25, 2012

APPEAL FROM THE DISTRICT COURT OF LEA COUNTY, William G.W. Shoobridge,  
District Judge

**COUNSEL**

Gary K. King, Attorney General, Albuquerque, NM, for Appellee

Jacqueline L. Cooper, Chief Public Defender, B. Douglas Wood III, Assistant Appellate  
Defender, Santa Fe, NM, for Appellant

**JUDGES**

RODERICK T. KENNEDY, Judge. WE CONCUR: JAMES J. WECHSLER, Judge,  
MICHAEL E. VIGIL, Judge

**AUTHOR:** RODERICK T. KENNEDY

**MEMORANDUM OPINION**

**KENNEDY, Judge.**

Nicholas Ray Lopez (Defendant) appeals from a judgment and sentence upon his guilty plea. We proposed to affirm as Defendant waived his right to appeal in the guilty plea. The issues raised in Defendant's docketing statement went to the district court's

apparent denial of his motion to withdraw his plea. We proposed to refuse to address those issues, as there was no written order from the district court denying the motion to withdraw the plea. Defendant has timely responded to our proposals. We have considered his arguments and, finding them unpersuasive, we affirm the judgment and sentence.

Defendant argues that we should consider the issues relating to the denial of his motion to withdraw his guilty plea because a written order is not essential to perfecting his appeal. [MIO 1] Defendant is mistaken in this argument. Our case law is clear that our jurisdiction depends on a final, *written* order. A district court's oral pronouncements are not final until they are put in writing. *State v. Lohberger*, 2008-NMSC-033, ¶ 20, 144 N.M. 297, 187 P.3d 162. Here, Defendant argues that the district court's record of the proceedings on the motion to withdraw is sufficient to meet the requirements of a written order. We disagree. Again, our cases are clear that the writing from which one may appeal must contain decretal language and be signed by the judge. *Id.* The record of the court proceedings does not satisfy the requirements for a final, written order. Thus, there is no order on Defendant's motion to withdraw his guilty plea from which he can appeal.

For the reasons stated herein and in the notice of proposed disposition, we refuse to address the issues relating to Defendant's motion to withdraw his plea and affirm the judgment and sentence on his guilty plea.

**IT IS SO ORDERED.**

**RODERICK T. KENNEDY, Judge**

**WE CONCUR:**

**JAMES J. WECHSLER, Judge**

**MICHAEL E. VIGIL, Judge**