

STATE V. RUIZ

This memorandum opinion was not selected for publication in the New Mexico Appellate Reports. Please see Rule 12-405 NMRA for restrictions on the citation of unpublished memorandum opinions. Please also note that this electronic memorandum opinion may contain computer-generated errors or other deviations from the official paper version filed by the Court of Appeals and does not include the filing date.

STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
CODY RUIZ,
Defendant-Appellant.

No. 35,700

COURT OF APPEALS OF NEW MEXICO

March 20, 2017

APPEAL FROM THE DISTRICT COURT OF LEA COUNTY, Mark T. Sanchez, District
Judge

COUNSEL

Hector H. Balderas, Attorney General, Santa Fe, NM, for Appellee

Templeman and Crutchfield, C. Barry Crutchfield, Lovington, NM, for Appellant

JUDGES

M. MONICA ZAMORA, Judge. WE CONCUR: JAMES J. WECHSLER, Judge,
TIMOTHY L. GARCIA, Judge

AUTHOR: M. MONICA ZAMORA

MEMORANDUM OPINION

ZAMORA, Judge.

{1} Defendant Cody Ruiz appeals from his judgment and sentence, entered pursuant to a plea agreement, convicting him of two counts of homicide by vehicle. This Court proposed to reverse on the summary calendar. The State filed a pleading entitled “State’s Notice of Non-Filing a Memorandum in Opposition,” indicating its intent not to

file a memorandum in opposition to this Court's proposed disposition. Accordingly, for the reasons stated in the notice of proposed disposition, we reverse and remand to the district court for entry of an amended judgment and sentence removing the serious violent offenses designation.

{2} IT IS SO ORDERED.

M. MONICA ZAMORA, Judge

WE CONCUR:

JAMES J. WECHSLER, Judge

TIMOTHY L. GARCIA, Judge