

STATE V. TONEY

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**STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
MORRELL TONEY
Defendant-Appellant.**

No. 35,591

COURT OF APPEALS OF NEW MEXICO

August 25, 2016

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Jacqueline D.
Flores, District Judge

COUNSEL

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

Bennett J. Baur, Chief Public Defender, Kathleen Baldrige, Assistant Appellate
Defender, Santa Fe, NM, for Appellant

JUDGES

MICHAEL E. VIGIL, Chief Judge. WE CONCUR: LINDA M. VANZI, Judge, STEPHEN
G. FRENCH, Judge

AUTHOR: MICHAEL E. VIGIL

MEMORANDUM OPINION

VIGIL, Chief Judge.

{1} Defendant Morrell Toney appeals from the district court's judgment, sentence, and order partially suspending his sentence, entered on April 5, 2016. This Court issued a notice of proposed disposition, proposing to dismiss the appeal for lack of a final,

appealable order. Defendant filed a response, stating that he “concurrs with this Court’s proposed summary dismissal of his appeal for lack of jurisdiction.” Accordingly, and for the reasons stated in our notice of proposed disposition, we dismiss for lack of a final, appealable order.

{2} IT IS SO ORDERED.

MICHAEL E. VIGIL, Chief Judge

WE CONCUR:

LINDA M. VANZI, Judge

STEPHEN G. FRENCH, Judge