

STATE V. WIDMER

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STATE OF NEW MEXICO,
Plaintiff-Appellant,
v.
RONALD WIDMER,
Defendant-Appellee.

No. 33,679

COURT OF APPEALS OF NEW MEXICO

June 1, 2015

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Charles W.
Brown, District Judge

COUNSEL

Hector H. Balderas, Attorney General, Margaret McLean, Assistant Attorney General,
Santa Fe, NM, for Appellant

Jorge A. Alvarado, Chief Public Defender, David Henderson, Assistant Appellate
Defender, Santa Fe, NM, for Appellee

JUDGES

J. MILES HANISEE, Judge. WE CONCUR: JAMES J. WECHSLER, Judge, TIMOTHY
L. GARCIA, Judge

AUTHOR: J. MILES HANISEE

MEMORANDUM OPINION

HANISEE, Judge.

{1} The State appealed an order of the district court suppressing certain evidence discovered during a pat-down of Defendant. We issued a notice proposing to reverse

the district court's decision. After a several-month delay caused by the lack of a timely appointment of appellate counsel for Defendant, Defendant filed a response to the notice of proposed disposition. In that response Defendant included a motion to remand the case for dismissal of the charges brought against him, relying on a plea agreement by the terms of which the State agreed not to pursue those charges should the State's appeal be successful. The State has responded to Defendant's motion by filing its own motion to dismiss this appeal, and requesting that the charges filed in this case be dismissed after the case is remanded from this Court. In essence, the State appears to agree with Defendant's contention that the plea agreement moots this appeal and requires dismissal of the charges brought against Defendant.

{2} Having reviewed Defendant's submission and the State's motion to dismiss its own appeal, we see no reason not to grant the State's motion. We therefore dismiss the appeal and remand for dismissal of the charges filed below.

{3} IT IS SO ORDERED.

J. MILES HANISEE, Judge

WE CONCUR:

JAMES J. WECHSLER, Judge

TIMOTHY L. GARCIA, Judge