

STATE V. YOINGCO

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**STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
ROLAND WAYNE YOINGCO,
Defendant-Appellant.**

No. 34,304

COURT OF APPEALS OF NEW MEXICO

April 8, 2015

APPEAL FROM THE DISTRICT COURT OF CHAVES COUNTY, Steven L. Bell,
District Judge

COUNSEL

Hector H. Balderas, Attorney General, Margaret E. McLean, Assistant Attorney General, Joel Jacobsen, Assistant Attorney General, Santa Fe, NM, for Appellee

Hennighausen & Olsen, L.L.P., Kenneth B. Wilson, Jeff Grandjean, Roswell, NM, for Appellant

JUDGES

JAMES J. WECHSLER, Judge. WE CONCUR: MICHAEL E. VIGIL, Chief Judge, M. MONICA ZAMORA, Judge

AUTHOR: JAMES J. WECHSLER

MEMORANDUM OPINION

WECHSLER, Judge.

{1} Defendant Roland Yoingco appeals from his judgment and sentence, entered pursuant to a jury trial at which Defendant was found guilty of aggravated burglary,

pursuant to NMSA 1978, Section 30-16-4 (1963). We issued a notice of proposed summary disposition, proposing to reverse and remand. The State has filed a response, indicating that it will not be filing a memorandum in opposition. Accordingly, for the reasons stated in our notice, we reverse Defendant's conviction and remand for a new trial.

{2} IT IS SO ORDERED.

JAMES J. WECHSLER, Judge

WE CONCUR:

MICHAEL E. VIGIL, Chief Judge

M. MONICA ZAMORA, Judge