

STATE V. WHITEHEAD

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**STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
WILLIAM WHITEHEAD,
Defendant-Appellant.**

Docket No. A-1-CA-37425
COURT OF APPEALS OF NEW MEXICO
April 29, 2019

APPEAL FROM THE DISTRICT COURT OF CURRY COUNTY, Drew D. Tatum,
District Judge

COUNSEL

Hector H. Balderas, Attorney General, Eran S. Sharon, Assistant Attorney General,
Santa Fe, NM for Appellee

Bennett J. Baur, Chief Public Defender, Santa Fe, NM, Steven James Forsberg,
Assistant Appellate Defender, Albuquerque, NM for Appellant.

JUDGES

LINDA M. VANZI, Judge. WE CONCUR: M. MONICA ZAMORA, Chief Judge,
JENNIFER L. ATTREP, Judge

AUTHOR: LINDA M. VANZI

MEMORANDUM OPINION

VANZI, Judge.

{1} William Whitehead (Defendant) appeals from his sentencing as a five-time driving while intoxicated (DWI) offender. On appeal, Defendant argued that the district court erred in enhancing his sentence as a five-time offender, where the evidence that the State presented to establish Defendant's identity for two of the prior convictions was insufficient, because the only evidence that contained specific identifiers linking

Defendant to those priors was an inadmissible printout from an unidentified source. This Court issued a notice of proposed disposition, proposing to reverse. In response, the State has filed a notice of its intent not to file a memorandum in opposition to our notice of proposed disposition.

{2} Accordingly, we rely on the reasoning contained in our notice of proposed disposition and we reverse the sentence imposed and remand for sentencing consistent with this Court's notice of proposed disposition.

{3} **IT IS SO ORDERED.**

LINDA M. VANZI, Judge

WE CONCUR:

M. MONICA ZAMORA, Chief Judge

JENNIFER L. ATTREP, Judge