

This decision of the New Mexico Court of Appeals was not selected for publication in the New Mexico Appellate Reports. Refer to Rule 12-405 NMRA for restrictions on the citation of unpublished decisions. Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-39217

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v.

JOSHUA LOYD,

Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF CURRY COUNTY

Matthew E. Chandler, District Judge

Hector H. Balderas, Attorney General
Laurie K. Blevins, Assistant Attorney General
Santa Fe, NM

for Appellee

Bennett J. Baur, Chief Public Defender
Mary Barket, Assistant Appellate Defender
Santa Fe, NM

for Appellant

MEMORANDUM OPINION

HANISEE, Chief Judge.

{1} Defendant appeals from his possession of a controlled substance conviction set forth in the district court's judgment and sentence. This Court entered a notice of proposed disposition, proposing to summarily affirm. Defendant filed a memorandum in opposition and motion to amend the docketing statement. We then entered a second notice of proposed disposition, proposing to summarily reverse Defendant's conviction and order a new trial. Subsequently, the State filed with this Court a notice that it will not be filing a memorandum in opposition to this Court's second notice of proposed disposition. Accordingly, for the reasons stated in our second notice of proposed

disposition and herein, we reverse the district court's judgment and sentence, vacate Defendant's conviction of possession of a controlled substance, and remand to the district court for a new trial.

{2} IT IS SO ORDERED.

J. MILES HANISEE, Chief Judge

WE CONCUR:

KRISTINA BOGARDUS, Judge

JANE B. YOHALEM, Judge