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**IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

**No. A-1-CA-37344**

**STATE OF NEW MEXICO,**

Plaintiff-Appellee,

v.

**MATTHEW CHAVEZ,**

Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY**

**Alisa A. Hart, District Judge**

Hector H. Balderas, Attorney General  
Santa Fe, NM

Lauren Joseph Wolongevicz, Assistant Attorney General  
Albuquerque, NM

for Appellee

Bennett J. Baur, Chief Public Defender  
Santa Fe, NM

Steven J. Forsberg, Assistant Appellate Defender  
Albuquerque, NM

for Appellant

**DECISION**

**IVES, Judge.**

{1} At the outset of this appeal, Defendant argued that the district court erred by denying his motion to dismiss the indictment with prejudice because his trial occurred outside of the 180-day period generally prescribed by the Interstate Agreement on Detainers (IAD) and because there was not good cause for a continuance. See *generally* NMSA 1978, § 31-5-12, art. 3(A) (1971) (requiring that trial be held within 180 days unless a continuance is granted); § 31-5-12, art. 5(C) (providing that the remedy

for a speedy trial violation is dismissal with prejudice). After briefing was complete, we remanded this case to the district court so that it could explain its reasons for denying Defendant's motion to dismiss. In light of the district court's explanation, Defendant now concedes that the district court did not err because Defendant, through his counsel, "effectively waived" his right to a speedy trial. Although we are not bound by Defendant's concession, *State v. Harrison*, 2010-NMSC-038, ¶ 15, 148 N.M. 500, 238 P.3d 869, we accept it because our independent review reveals no reason to reject it. We therefore affirm the district court's denial of Defendant's motion to dismiss. Because Defendant makes no other claim of error in this appeal, we affirm his robbery conviction.

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

**ZACHARY A. IVES, Judge**

**WE CONCUR:**

**J. MILES HANISEE, Chief Judge**

**SHAMMARA H. HENDERSON, Judge**