

STATE V. BECKER

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STATE OF NEW MEXICO,
Plaintiff-Appellant,
v.
RICHARD A. BECKER,
Defendant-Appellee.

NO. 29,924

COURT OF APPEALS OF NEW MEXICO

February 8, 2010

APPEAL FROM THE DISTRICT COURT OF CHAVES COUNTY, Charles C. Currier,
District Judge

COUNSEL

Gary K. King, Attorney General, Santa Fe, NM, Max Shepherd, Albuquerque, NM, for
Appellant

Ramon I Garcia, Roswell, NM, for Appellee

JUDGES

MICHAEL D. BUSTAMANTE, Judge. WE CONCUR: ROBERT E. ROBLES, Judge,
LINDA M. VANZI, Judge

AUTHOR: MICHAEL D. BUSTAMANTE

MEMORANDUM OPINION

BUSTAMANTE, Judge.

The State appeals from the district court's Order Sealing Arrest Records. This Court's first notice proposed to dismiss the State's appeal on grounds that the order appealed from is not final. See *Khalsa v. Levinson*, 1998-NMCA-110, ¶ 12, 125 N.M. 680, 964

P.2d 844 (“Whether an order is a ‘final order’ within the meaning of the statute is a jurisdictional question that an appellate court is required to raise on its own motion.”). The State filed a memorandum in opposition to the proposed disposition, but conceded that there is no pleading on record to indicate that the trial court has ruled on the amended petition to expunge. Consequently, the State agrees that there is not a final appealable order before this Court. For these reasons, and those stated in the first notice, we dismiss the appeal.

IT IS SO ORDERED.

MICHAEL D. BUSTAMANTE, Judge

WE CONCUR:

ROBERT E. ROBLES, Judge

LINDA M. VANZI, Judge