

STATE V. BUSTAMANTE

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STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
JOE BUSTAMANTE,
Defendant-Appellant.

NO. 30,803

COURT OF APPEALS OF NEW MEXICO

February 7, 2012

APPEAL FROM THE DISTRICT COURT OF ROOSEVELT COUNTY, Teddy L. Hartley,
District Judge

COUNSEL

Gary K. King, Attorney General, Margaret McLean, Assistant Attorney General, Santa Fe, NM, for Appellee

Jacqueline L. Cooper, Chief Public Defender, Santa Fe, NM, for Appellant

JUDGES

RODERICK T. KENNEDY, Judge. WE CONCUR: JAMES J. WECHSLER, Judge,
TIMOTHY L. GARCIA, Judge

AUTHOR: RODERICK T. KENNEDY

MEMORANDUM OPINION

KENNEDY, Judge.

Summary reversal and remand for a new trial was proposed for the reasons stated in the notice of proposed disposition filed on April 14, 2011. The State has filed a response to the calendar notice, indicating that it agrees with this Court's proposed disposition to

vacate **Joe Bustamante**'s (Defendant) conviction and remand this case for a new trial because Defendant's right to counsel was violated.

Accordingly, Defendant's conviction is **reversed**, and the case is remanded to the district court.

IT IS SO ORDERED.

RODERICK T. KENNEDY, Judge

WE CONCUR:

JAMES J. WECHSLER, Judge

TIMOTHY L. GARCIA, Judge