

<b>STATE V. DELATORRE</b>
---------------------------

This memorandum opinion was not selected for publication in the New Mexico Appellate Reports. Please see Rule 12-405 NMRA for restrictions on the citation of unpublished memorandum opinions. Please also note that this electronic memorandum opinion may contain computer-generated errors or other deviations from the official paper version filed by the Court of Appeals and does not include the filing date.

**STATE OF NEW MEXICO,  
Plaintiff-Appellant,  
v.  
JESUS DELATORRE,  
Defendant-Appellee.**

NO. 35,719

COURT OF APPEALS OF NEW MEXICO

November 15, 2016

APPEAL FROM THE DISTRICT COURT OF OTERO COUNTY, Angie K. Schneider,  
District Judge

**COUNSEL**

Hector H. Balderas, Attorney General, Santa Fe, NM, for Appellant

The Van Keulen Law Firm, Jeffrey F. Van Keulen, Alamogordo, NM, for Appellee

**JUDGES**

JAMES J. WECHSLER, Judge. WE CONCUR: MICHAEL E. VIGIL, Chief Judge, J.  
MILES HANISEE, Judge

**AUTHOR: JAMES J. WECHSLER**

**MEMORANDUM OPINION**

**WECHSLER, Judge.**

{1} Summary reversal was proposed for the reasons stated in the notice of proposed summary disposition. No memorandum opposing summary reversal has been filed and the time for doing so has expired.

**{2}** Accordingly, we reverse for the reasons stated in our calendar notice.

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

**JAMES J. WECHSLER, Judge**

**WE CONCUR:**

**MICHAEL E. VIGIL, Chief Judge**

**J. MILES HANISEE, Judge**