

<b>STATE V. ESPARZA</b>
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**STATE OF NEW MEXICO,**  
Plaintiff-Appellee,  
**v.**  
**MARIA ESPARZA,**  
Defendant-Appellant.

No. 30,462

COURT OF APPEALS OF NEW MEXICO

August 18, 2010

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

**COUNSEL**

Gary K. King, Attorney General, Andrew S. Montgomery, Assistant Attorney General,  
Santa Fe, NM, for Appellee

Patrick J. Martinez, Albuquerque, NM, for Appellant

**JUDGES**

JONATHAN B. SUTIN, Judge. WE CONCUR: CELIA FOY CASTILLO, Judge,  
TIMOTHY L. GARCIA, Judge

**AUTHOR:** JONATHAN B. SUTIN

**MEMORANDUM OPINION**

**SUTIN, Judge.**

Defendant appealed the district court's entry of a conditional discharge and unsupervised probation following Defendant's appeal of her conviction in magistrate court of resisting, evading, or obstructing an officer in violation of NMSA 1978, Section

30-22-1 (1981). On appeal, Defendant argued that the district court improperly accepted a plea from her without complying with the protections afforded by Rule 5-303(F) NMRA. This Court issued a calendar notice proposing to reverse. The State has filed a memorandum in response to this Court's notice of proposed summary disposition, stating that it does not oppose reversal on the grounds stated in the calendar notice. This Court therefore reverses the district court for the reasons set out in our notice of proposed disposition.

**IT IS SO ORDERED.**

**JONATHAN B. SUTIN, Judge**

**WE CONCUR:**

**CELIA FOY CASTILLO, Judge**

**TIMOTHY L. GARCIA, Judge**