

<b>STATE V. JUDD</b>
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**STATE OF NEW MEXICO,**  
Plaintiff-Appellee,  
**vs.**  
**KEITH RUSSELL JUDD,**  
Defendant-Appellant.

No. 31,856

COURT OF APPEALS OF NEW MEXICO

May 16, 2012

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, James F.  
Blackmer, District Judge

**COUNSEL**

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

Keith Russell Judd, Pro se Appellant

**JUDGES**

TIMOTHY L. GARCIA, Judge. WE CONCUR: MICHAEL E. VIGIL, Judge, LINDA M.  
VANZI, Judge

**AUTHOR:** TIMOTHY L. GARCIA

**MEMORANDUM OPINION**

**GARCIA, Judge.**

Defendant appeals an order denying his motion to vacate the amended judgment and re-enter it to allow the public defender to perfect a timely appeal. We proposed to affirm the district court as it lacked jurisdiction to rule on such a motion because Defendant had earlier filed a notice of appeal relating to the amended judgment. Defendant has

timely responded. We have considered his arguments and finding them unpersuasive, we affirm.

Defendant argues that his pending motion to withdraw the *Alford* plea is sufficiently directed to the judgment for the district court to retain jurisdiction to rule on any and all of his pending motions. However, the motion to withdraw an *Alford* plea is not the kind of matter to which a district court retains jurisdiction once a notice of appeal has been filed. Thus, in this case, once Defendant filed his notice of appeal from the order denying his motion to withdraw the *Alford* plea, the district court lost jurisdiction to hear any other matters directed to the judgment on the *Alford* plea until the appeal is resolved.

For the reasons stated herein and in the notice of proposed disposition, we affirm the denial of Defendant's motion to vacate and re-enter the judgment for lack of jurisdiction.

**IT IS SO ORDERED.**

**TIMOTHY L. GARCIA, Judge**

**WE CONCUR:**

**MICHAEL E. VIGIL, Judge**

**LINDA M. VANZI, Judge**