

STATE V. MARTINEZ

This memorandum opinion was not selected for publication in the New Mexico 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 Please see Rule 12-405 NMRA for restrictions on the citation of unpublished memorandum opinions.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.
JOSEPH MARTINEZ,
Defendant-Appellee.

No. 31,242

COURT OF APPEALS OF NEW MEXICO

March 28, 2012

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Denise Barela
Shepherd, District Judge

COUNSEL

Gary K. King, Attorney General, Margaret McLean, Assistant Attorney General, Joel Jacobsen, Assistant Attorney General, Santa Fe, NM, for Appellant

Bregman & Loman, P.C., Eric Loman, Albuquerque, NM, for Appellee

JUDGES

LINDA M. VANZI, Judge. WE CONCUR: JAMES J. WECHSLER, Judge, JONATHAN B. SUTIN, Judge

AUTHOR: LINDA M. VANZI

MEMORANDUM OPINION

VANZI, Judge.

Appellant's Motion for Rehearing is granted. The memorandum opinion filed in this case on February 15, 2012, is hereby withdrawn, and this opinion is substituted in its place.

Summary affirmance was proposed for the reasons stated in the notice of proposed disposition. The State has informed us that it does not oppose the proposed result, although it has also asked us to provide clarification on a single point. As requested, we clarify that we do not decide what effect, if any, the trial court's order has on the alleged victim's right to freely testify in any future proceeding.

AFFIRMED.

IT IS SO ORDERED.

LINDA M. VANZI, Judge

WE CONCUR:

JAMES J. WECHSLER, Judge

JONATHAN B. SUTIN, Judge