

STATE V. PHILLIPS

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 Please see Rule 12-405 NMRA for restrictions on the citation of unpublished memorandum opinions.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-Appellee,
v.
TERRY PHILLIPS,
Defendant-Appellant.

NO. 30,948

COURT OF APPEALS OF NEW MEXICO

April 1, 2011

APPEAL FROM THE DISTRICT COURT OF SAN JUAN COUNTY, Karen L.
Townsend, District Judge

COUNSEL

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

Chief Public Defender, Adrienne R. Turner, Assistant Public Defender, Santa Fe, NM,
for Appellant

JUDGES

MICHAEL E. VIGIL, Judge. WE CONCUR: CELIA FOY CASTILLO, Chief Judge,
JAMES J. WECHSLER, Judge

AUTHOR: MICHAEL E. VIGIL

MEMORANDUM OPINION

VIGIL, Judge.

Defendant attempts to appeal an order dismissing his appeal in district court for lack of jurisdiction. We proposed to dismiss the appeal for lack of a final order, as there was a motion for reconsideration of the order still pending. Defendant has timely responded

and acknowledges that his appeal was from a non-final order. Therefore, for the reasons stated in the calendar notice, we dismiss the appeal. Mandate shall issue forthwith.

IT IS SO ORDERED.

MICHAEL E. VIGIL, Judge

WE CONCUR:

CELIA FOY CASTILLO, Chief Judge

JAMES J. WECHSLER, Judge