

STATE V. REYES

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STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
PAUL KEITH REYES,
Defendant-Appellant.

No. 33,479

COURT OF APPEALS OF NEW MEXICO

July 10, 2014

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Stan Whitaker,
District Judge

COUNSEL

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

Paul Keith Reyes, Albuquerque, NM, Pro Se Appellant

JUDGES

J. MILES HANISEE, Judge. WE CONCUR: JONATHAN B. SUTIN, Judge, MICHAEL E. VIGIL, Judge

AUTHOR: J. MILES HANISEE

MEMORANDUM OPINION

HANISEE, Judge.

{1} The opinion filed in this case on June 5, 2014 is hereby withdrawn and the following substituted therefor. Defendant, who is self-represented, is appealing from a district court order dismissing his appeal from metropolitan court for lack of a final order.

We issued a calendar notice proposing to affirm the district court. Defendant has responded with a memorandum in opposition. We affirm.

{2}___The district court order dismissing Defendant's appeal from metropolitan court indicates that the metropolitan court proceedings ended with the filing of a nolle prosequi and that no judgment or final order was entered below. [RP 15] There is no final metropolitan court order in the record proper, or in records available online. Generally, appellate jurisdiction is limited to appeals that are timely filed from final decisions, orders, or judgments. See *State v. Lohberger*, 2008-NMSC-033, ¶ 19, 144 N.M. 297, 187 P.3d 162. This requirement applies to appeals taken from the metropolitan court to the district court. See Rule 5-827(A) NMRA. Accordingly, we affirm the district court's order dismissing Defendant's appeal.

{3} IT IS SO ORDERED.

J. MILES HANISEE, Judge

WE CONCUR:

JONATHAN B. SUTIN, Judge

MICHAEL E. VIGIL, Judge