

STATE V. SOTO-TAVISON

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STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
ERNESTO SOTO-TAVISON,
Defendant,
and
DANIEL GOLDBERG, d/b/a
GOODFELLAS BAIL BONDS,
Surety-Appellant.

NO. 32,002

COURT OF APPEALS OF NEW MEXICO

April 18, 2013

APPEAL FROM THE DISTRICT COURT OF LEA COUNTY, Mark Terrence Sanchez,
District Judge

COUNSEL

Gary K. King, Attorney General, Jacqueline R. Medina, Assistant Attorney General,
Albuquerque, NM, for Appellee

Bennett J. Baur, Acting Chief Public Defender, Larry K. Bishop, Assistant Public
Defender, Hobbs, NM, for Defendant

Daniel Goldberg, Farmington, NM, Pro Se Surety-Appellant

JUDGES

RODERICK T. KENNEDY, Chief Judge. WE CONCUR: MICHAEL D. BUSTAMANTE,
Judge, JONATHAN B. SUTIN, Judge

AUTHOR: RODERICK T. KENNEDY

MEMORANDUM OPINION

KENNEDY, Chief Judge.

{1} Daniel Goldberg, d/b/a Goodfellas Bail Bonds (Surety) appeals pro se from the district court's amended judgment of default of conditions on bond, claiming that the district court abused its discretion in requiring Surety to pay \$2,000 of a \$3,000 bond when Defendant did not appear at the scheduled arraignment. We issued a notice of proposed summary disposition proposing to reverse in light of the clear language set forth in NMSA 1978, Section 31-3-2(F) (1993). Surety filed a timely memorandum in support of our proposed disposition, and the State filed a notice indicating that it will not file a response in opposition.

{2} Therefore, for the reasons set forth in our notice of proposed summary disposition, we reverse the district court's order.

{3} **IT IS SO ORDERED.**

RODERICK T. KENNEDY, Chief Judge

WE CONCUR:

MICHAEL D. BUSTAMANTE, Judge

JONATHAN B. SUTIN, Judge