

<b>STATE V. STEVENS</b>
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**STATE OF NEW MEXICO,**  
Plaintiff-Appellee,  
**vs.**  
**DAVID STEVENS,**  
Defendant-Appellant.

No. 31,764

COURT OF APPEALS OF NEW MEXICO

May 29, 2012

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Robert Schwartz,  
District Judge

**COUNSEL**

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

Jacqueline L. Cooper, Chief Public Defender, Sergio Viscoli, Assistant Appellate Defender, Santa Fe, NM

**JUDGES**

TIMOTHY L. GARCIA, Judge. WE CONCUR: CYNTHIA A. FRY, Judge, MICHAEL E. VIGIL, Judge

**AUTHOR:** TIMOTHY L. GARCIA

**MEMORANDUM OPINION**

**GARCIA, Judge.**

Defendant appeals from his conviction for voyeurism. This Court proposed to reverse Defendant's conviction based on the jury being improperly instructed. We further

proposed to remand for a new trial. The State has conceded that the jury was improperly instructed and agrees with this Court's second notice of proposed disposition.

To the extent the State has requested an extension of time for filing a response to this Court's second notice of proposed disposition, the State's request is unnecessary. The document filed with this Court on April 30, 2012, serves as a response to this Court's second notice of proposed disposition. Moreover, the State's agreement with this Court's proposed disposition makes any further response unnecessary.

Accordingly, the Court reverses and remands Defendant's conviction for voyeurism.

**IT IS SO ORDERED.**

**TIMOTHY L. GARCIA, Judge**

**WE CONCUR:**

**CYNTHIA A. FRY, Judge**

**MICHAEL E. VIGIL, Judge**