

**STATE V. TIMOTHY J**

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 Please see Rule 12-405 NMRA for restrictions on the citation of unpublished memorandum opinions.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.  
**TIMOTHY J., a Child,**  
Defendant-Appellant.

NO. 29,555

COURT OF APPEALS OF NEW MEXICO

March 9, 2010

APPEAL FROM THE DISTRICT COURT OF CHAVES COUNTY, Freddie J. Romero,  
District Judge

**COUNSEL**

Gary K. King, Attorney General, M. Victoria Wilson, Assistant Attorney General, Santa Fe, NM, for Appellee

Hugh W. Dangler, Chief Public Defender, Nancy Hewitt, Appellate Defender, Santa Fe, NM, for Appellant

**JUDGES**

JAMES J. WECHSLER, Judge. WE CONCUR: CYNTHIA A. FRY, Chief Judge,  
RODERICK T. KENNEDY, Judge

**AUTHOR:** JAMES J. WECHSLER

**MEMORANDUM OPINION**

**WECHSLER, Judge.**

Timothy J. (Child) appeals his adjudication of delinquency after pleading no contest to several allegations including fraudulent signing of a credit card sales slip, burglary of a

motor vehicle, and unlawful possession of a handgun. [RP 36-41] Child reserved the right to appeal the district court's partial denial of his motion to suppress evidence. [RP 40] On August 26, 2009, this Court filed a calendar notice proposing to reverse the district court. The State has filed a notice of intent not to file a memorandum in opposition to proposed summary reversal.

For the reasons set forth in our calendar notice, we reverse the district court's denial of Child's motion to suppress evidence and remand to the district court for further proceedings consistent with this opinion.

**IT IS SO ORDERED.**

**JAMES J. WECHSLER, Judge**

**WE CONCUR:**

**CYNTHIA A. FRY, Chief Judge**

**RODERICK T. KENNEDY, Judge**