

STATE V. TOLLARDO

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**STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
STEVE TOLLARDO,
Defendant-Appellant.**

NO. 34,547

COURT OF APPEALS OF NEW MEXICO

February 16, 2016

APPEAL FROM THE DISTRICT COURT OF TAOS COUNTY, Gerald E. Baca, District
Judge

COUNSEL

Hector H. Balderas, Attorney General, Santa Fe, NM, for Appellee

Jorge A. Alvarado, Chief Appellate Defender, Will O'Connell, Assistant Appellate
Defender, Santa Fe, NM, for Appellant

JUDGES

RODERICK T. KENNEDY, Judge. WE CONCUR: JAMES J. WECHSLER, Judge, J.
MILES HANISEE, Judge

AUTHOR: RODERICK T. KENNEDY

MEMORANDUM OPINION

KENNEDY, Judge.

{1} Defendant Steve Tollardo appeals from the district court's amended judgment and sentence. [3 RP 541] On October 6, 2014, Defendant filed a timely motion for reconsideration of sentence pursuant to Rule 5-801 NMRA. [3 RP 548] See *id.* ("A

motion to reduce a sentence may be filed within ninety (90) days after the sentence is imposed[.]”). Summary dismissal was proposed for lack of a final order. Defendant filed a response indicating that he agrees with our proposed dismissal. Accordingly, we dismiss for the reasons stated in this Court’s notice of proposed disposition.

{2} IT IS SO ORDERED.

RODERICK T. KENNEDY, Judge

WE CONCUR:

JAMES J. WECHSLER, Judge

J. MILES HANISEE, Judge