

STATE V. WOOD

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STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
GREGORY A. WOOD,
Defendant-Appellant.

No. 34,604

COURT OF APPEALS OF NEW MEXICO

June 17, 2015

APPEAL FROM THE DISTRICT COURT OF OTERO COUNTY, Waylon Counts,
District Judge

COUNSEL

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

Gregory A. Wood, Santa Rosa, NM, Pro Se Appellant

JUDGES

MICHAEL E. VIGIL, Chief Judge. WE CONCUR: RODERICK T. KENNEDY, Judge,
TIMOTHY L. GARCIA Judge

AUTHOR: MICHAEL E. VIGIL

MEMORANDUM OPINION

VIGIL, Chief Judge.

{1} Self-represented Defendant Gregory A. Wood filed a docketing statement, appealing from his convictions for trafficking methamphetamine, possession of drug paraphernalia, and possession of marijuana or synthetic cannabinoids, as set forth in the district court's judgment and sentence entered on January 9, 2015. [RP 128-29; DS

2] In this Court's notice of proposed disposition, we proposed to dismiss the appeal for lack of a final order. [CN 1, 3-4] Defendant filed a timely response to our calendar notice, stating that he received "this final order from the district court," and attaching such order.

{2} However, although the order attached to Defendant's response does deny a pending motion to change or remove plea, it did not address the motion for reconsideration of sentence, specified in our calendar notice as rendering the judgment non-final. [CN 3] Accordingly, as there remains no order disposing of the motion for reconsideration of sentence, and for the reasons stated in this Court's notice of proposed disposition, we dismiss the appeal for lack of a final order. We reiterate that Defendant is free to appeal from the final order of the district court once such order is entered. See Rule 12-201(A) NMRA.

{3} IT IS SO ORDERED.

MICHAEL E. VIGIL, Chief Judge

WE CONCUR:

RODERICK T. KENNEDY, Judge

TIMOTHY L. GARCIA Judge