

STATE V. BACA

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**STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
ANTHONY BACA,
Defendant-Appellant.**

No. A-1-CA-36262

COURT OF APPEALS OF NEW MEXICO

October 18, 2018

APPEAL FROM THE DISTRICT COURT OF CURRY COUNTY, Fred T. Van Soelen,
District Judge

COUNSEL

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Bennett J. Baur, Chief Public Defender, Caitlin C.M. Smith, Assistant Appellate Defender, Santa Fe, NM, for Appellant

JUDGES

J. MILES HANISEE, Judge. WE CONCUR: JULIE J. VARGAS, Judge, DANIEL J. GALLEGOS, Judge

AUTHOR: J. MILES HANISEE

MEMORANDUM OPINION

HANISEE, Judge.

{1} Defendant Anthony Baca appeals from his conviction of aggravated assault. This Court issued a notice of proposed disposition, proposing to summarily affirm, and a second notice of proposed disposition, proposing to summarily affirm, in part, and

reverse, in part. Defendant filed a memorandum in support of summary reversal and opposition to summary affirmance (DMIO), stating that he “relies upon the facts and arguments contained in his initial memorandum in opposition to proposed summary affirmance,” and supports our proposed reversal in part. [DMIO 1] The State also filed a response to our proposed disposition (SMIO), by which it “informs the Court that after due consideration it will not be filing a memorandum in opposition.” [SMIO 1] Accordingly, and for the reasons stated in our notice of proposed disposition, as remain applicable, and our second notice of proposed disposition, we affirm Defendant’s conviction of aggravated assault, but reverse the district court’s designation of the conviction as a serious violent offense.

{2} IT IS SO ORDERED.

J. MILES HANISEE, Judge

WE CONCUR:

JULIE J. VARGAS, Judge

DANIEL J. GALLEGOS, Judge