

STATE V. ANDERSON

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**STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
RUBEN SOLIS ANDERSON,
Defendant-Appellant.**

No. A-1-CA-37316

COURT OF APPEALS OF NEW MEXICO

January 15, 2019

APPEAL FROM THE DISTRICT COURT OF LINCOLN COUNTY, Daniel A. Bryant,
District Judge

COUNSEL

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

Bennett J. Baur, Chief Public Defender, C. David Henderson, Appellate Defender,
Santa Fe, NM, for Appellant

JUDGES

LINDA M. VANZI, Chief Judge. WE CONCUR: M. MONICA ZAMORA, Judge,
JENNIFER L. ATTREP, Judge

AUTHOR: LINDA M. VANZI

MEMORANDUM OPINION

VANZI, Chief Judge.

{1} Defendant appeals from the district court's order denying his motion to dismiss the fugitive complaint. This Court's calendar notice proposed summary dismissal on the basis that the district court's order denying the motion to dismiss the fugitive complaint

is not a final, appealable order. Defense counsel filed a memorandum in support of summary dismissal conceding that the order is not final. [MIS 1] Defense counsel states that to the extent Defendant argued that the challenged order improperly deprived him of his liberty, proceedings to obtain his release continued after the notice of appeal was filed. [MIS 2] Defense counsel further indicates that to his knowledge, Defendant's release was obtained, providing the remedy sought on appeal and rendering the issues raised in the docketing statement moot. [MIS 1] Accordingly, for these reasons, and those stated in the notice of proposed disposition, we dismiss the appeal.

{2} IT IS SO ORDERED.

LINDA M. VANZI, Chief Judge

WE CONCUR:

M. MONICA ZAMORA, Judge

JENNIFER L. ATTREP, Judge