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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-39930

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v.

EUGENIO IBARRA,

Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT OF CURRY COUNTY
Drew D. Tatum, District Judge**

Hector H. Balderas, Attorney General
Santa Fe, NM
Michael J. Thomas, Assistant Attorney General
Albuquerque, NM

for Appellee

Bennett J. Baur, Chief Public Defender
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Albuquerque, NM

for Appellant

MEMORANDUM OPINION

HANISEE, Chief Judge.

{1} Defendant appeals his convictions of multiple counts of aggravated assault on a peace officer and one count of aggravated fleeing a law enforcement officer. This Court's first notice of proposed summary disposition proposed to affirm the judgment of the district court and Defendant filed a memorandum in opposition to that disposition, asserting that the State had failed to present evidence regarding one victim's status as a law enforcement officer. This Court then issued a second notice, proposing to vacate

one of Defendant's convictions of aggravated assault on a peace officer. Defendant has filed a second memorandum, supporting that reversal but continuing to oppose the affirmance of his remaining convictions. With regard to those convictions, we remain unpersuaded that the district court erred. We, therefore, affirm those convictions for the reasons discussed in our second notice of proposed summary disposition.

{2} With regard to the aggravated assault charges appearing as Count 2 in the complaint, the State has filed a notice that it does not intend to oppose this Court's proposed reversal. Accordingly, we reverse and vacate Defendant's conviction with regard to Count 2, but affirm the judgment and sentence of the district court with regard to Defendant's remaining convictions.

{3} **IT IS SO ORDERED.**

J. MILES HANISEE, Chief Judge

WE CONCUR:

JENNIFER L. ATTREP, Judge

SHAMMARA H. HENDERSON, Judge