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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-40724

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v.

JOSEPH VALLEJOS,

Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT OF CHAVES COUNTY
Dustin K. Hunter, District Court Judge**

Raúl Torrez, Attorney General
Lindsay Stuart, Assistant Attorney General
Santa Fe, NM

for Appellee

Bennett J. Baur, Chief Public Defender
Joelle N. Gonzales, Assistant Appellate Defender
Santa Fe, NM

for Appellant

MEMORANDUM OPINION

ATTREP, Chief Judge.

{1} Defendant appeals his convictions for involuntary manslaughter and tampering with evidence. [CN 1] In our notice of proposed disposition, we proposed to reverse Defendant's conviction for tampering with evidence for insufficient evidence [CN 5-6] and affirm Defendant's conviction for involuntary manslaughter. [CN 2-5] The State has responded to this Court's notice of proposed disposition, stating that it will not be filing a memorandum in opposition to that disposition. [State's Resp. 1] Additionally, Defendant responded to our proposed disposition also stating that he will not be filing a

memorandum in opposition. [Defendant's Resp. 1] Accordingly, for the reasons stated in our notice of proposed disposition, we reverse Defendant's conviction for tampering with evidence, affirm his involuntary manslaughter conviction, and remand this case to the district court for further proceedings consistent with this opinion.

{2} IT IS SO ORDERED.

JENNIFER L. ATTREP, Chief Judge

WE CONCUR:

JACQUELINE R. MEDINA, Judge

MEGAN P. DUFFY, Judge