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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v. **NO. 30,612**

JOSE MUÑOZ,

Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF SAN JUAN COUNTY
Thomas J. Hynes, District Judge

Gary K. King, Attorney General
William Lazar, Assistant Attorney General
Santa Fe, NM

for Appellee

Hugh W. Dangler, Chief Public Defender
Nina Lalevic, Assistant Appellate Defender
Santa Fe, NM

for Appellant

MEMORANDUM OPINION

KENNEDY, Judge.

Defendant appeals his convictions for aggravated fleeing, evading an officer, failure to display registration plate, and no insurance. We issued two calendar notices. We proposed affirmance in the first calendar notice. In the second calendar notice, we proposed to affirm on all issues raised on appeal, but we proposed to reverse on the double jeopardy issue raised in Defendant's motion to amend the docketing statement. We proposed to hold that Defendant's convictions for evading a police officer and aggravated fleeing violated Defendant's right to be free from double jeopardy. Accordingly, we proposed to reverse Defendant's conviction for evading a police officer. In response to our second calendar notice, we have received a memorandum in support from the State.

For the reasons discussed in our first and second calendar notices, we affirm Defendant's convictions for aggravated fleeing, failure to display registration plate, and no insurance, and we reverse Defendant's conviction for evading an officer. We remand this case to the district court for entry of an amended judgment and sentence.

IT IS SO ORDERED.

RODERICK T. KENNEDY, Judge

WE CONCUR:

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CYNTHIA A. FRY, Judge

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LINDA M. VANZI, Judge