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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v. **NO. 30,948**

TERRY PHILLIPS,

Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF SAN JUAN COUNTY
Karen L. Townsend, District Judge

Gary K. King, Attorney General
Santa Fe, NM

for Appellee

Chief Public Defender
Adrianne R. Turner, Assistant Public Defender
Santa Fe, NM

for Appellant

MEMORANDUM OPINION

VIGIL, Judge.

Defendant attempts to appeal an order dismissing his appeal in district court for lack of jurisdiction. We proposed to dismiss the appeal for lack of a final order, as there was a motion for reconsideration of the order still pending. Defendant has timely responded and acknowledges that his appeal was from a non-final order. Therefore, for the reasons stated in the calendar notice, we dismiss the appeal. Mandate shall issue forthwith.

IT IS SO ORDERED.

MICHAEL E. VIGIL, Judge

WE CONCUR:

CELIA FOY CASTILLO, Chief Judge

JAMES J. WECHSLER, Judge