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1 **IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

2 **STATE OF NEW MEXICO,**

3 Plaintiff-Appellee,

4 v.

NO. 34,547

5 **STEVE TOLLARDO,**

6 Defendant-Appellant.

7 **APPEAL FROM THE DISTRICT COURT OF TAOS COUNTY**

8 **Gerald E. Baca, District Judge**

9 Hector H. Balderas, Attorney General

10 Santa Fe, NM

11 for Appellee

12 Jorge A. Alvarado, Chief Appellate Defender

13 Will O'Connell, Assistant Appellate Defender

14 Santa Fe, NM

15 for Appellant

16 **MEMORANDUM OPINION**

17 **KENNEDY, Judge.**

18 {1} Defendant Steve Tollardo appeals from the district court's amended judgment

19 and sentence. [3 RP 541] On October 6, 2014, Defendant filed a timely motion for

1 reconsideration of sentence pursuant to Rule 5-801 NMRA. [3 RP 548] *See id.* (“A
2 motion to reduce a sentence may be filed within ninety (90) days after the sentence is
3 imposed[.]”). Summary dismissal was proposed for lack of a final order. Defendant
4 filed a response indicating that he agrees with our proposed dismissal. Accordingly,
5 we dismiss for the reasons stated in this Court’s notice of proposed disposition.

6 {2} **IT IS SO ORDERED.**

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RODERICK T. KENNEDY, Judge

9 **WE CONCUR:**

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JAMES J. WECHSLER, Judge

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J. MILES HANISEE, Judge