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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. 32,002

5 **ERNESTO SOTO-TAVISON,**

6 Defendant,

7 and

8 **DANIEL GOLDBERG, d/b/a**

9 **GOODFELLAS BAIL BONDS,**

10 Surety-Appellant.

11 **APPEAL FROM THE DISTRICT COURT OF LEA COUNTY**

12 **Mark Terrence Sanchez, District Judge**

13 Gary K. King, Attorney General

14 Jacqueline R. Medina, Assistant Attorney General

15 Albuquerque, NM

16 for Appellee

17 Bennett J. Baur, Acting Chief Public Defender

18 Larry K. Bishop, Assistant Public Defender

19 Hobbs, NM

1 for Defendant

2 Daniel Goldberg

3 Farmington, NM

4 Pro Se Surety-Appellant

5 **MEMORANDUM OPINION**

6 **KENNEDY, Chief Judge.**

7 {1} Daniel Goldberg, d/b/a Goodfellas Bail Bonds (Surety) appeals pro se from the
8 district court's amended judgment of default of conditions on bond, claiming that the
9 district court abused its discretion in requiring Surety to pay \$2,000 of a \$3,000 bond
10 when Defendant did not appear at the scheduled arraignment. We issued a notice of
11 proposed summary disposition proposing to reverse in light of the clear language set
12 forth in NMSA 1978, Section 31-3-2(F) (1993). Surety filed a timely memorandum
13 in support of our proposed disposition, and the State filed a notice indicating that it
14 will not file a response in opposition.

15 {2} Therefore, for the reasons set forth in our notice of proposed summary
16 disposition, we reverse the district court's order.

17 {3} **IT IS SO ORDERED.**

18

RODERICK T. KENNEDY, Chief Judge

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2 **WE CONCUR:**

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MICHAEL D. BUSTAMANTE, Judge

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JONATHAN B. SUTIN, Judge