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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. 32,558

5 **VICTOR E. TRUJILLO,**

6 Defendant-Appellant.

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

8 **Edmund H. Kase III, District Judge**

9 Gary K. King, Attorney General
10 Santa Fe, NM

11 for Appellee

12 Victor E. Trujillo
13 Santa Rosa, NM

14 Pro Se Appellant

15 **MEMORANDUM OPINION**

16 **WECHSLER, Judge.**

1 Defendant appeals from the district court's order denying his motion to correct
2 an illegal sentence. [SRP 993]. This Court issued a calendar notice proposing to
3 affirm. Defendant has filed a memorandum in opposition to this Court's proposed
4 disposition, which we have duly considered. Unpersuaded, we affirm.

5 Defendant has asked this Court to reverse the district court's order, arguing that
6 he was wrongfully convicted on two counts of contributing to the delinquency of a
7 minor because the victim was over the age of eighteen when the offenses occurred.
8 [DS 1] In this Court's calendar notice, we proposed to apply the doctrine of law of the
9 case and affirm. We based our proposed disposition on our review of the same issues
10 raised herein in Defendant's prior appeal, *State v. Trujillo*, No. 24,919, slip. op. (N.M.
11 Ct. App. (Jan. 6, 2005)

12 Defendant takes issue with this Court's proposed disposition, arguing that the
13 same issue is not being presented in the current case as was decided by this Court in
14 *State v. Trujillo*, Case No. 24,919. Although Defendant attempts to distinguish the
15 arguments raised in Case No. 24,919 from the present case, the legal issue presented
16 is still the same. [*Compare* RP 503 (*Trujillo*, No. 24,919, slip. op. at 2) (stating that
17 Defendant was arguing that his plea agreement was invalid because the crimes to
18 which he pled required Victim to be under eighteen and Victim was not under 18
19 when the crimes were committed, and holding that Defendant could not challenge the

1 facts underlying his plea where he had admitted that there was sufficient factual
2 support for the charges) *with* RP 964-65 (Defendant’s motion to correct an illegal
3 sentence) (requesting that the district court vacate two counts of contributing to the
4 delinquency of a minor because Victim was over the age of eighteen when the crimes
5 were committed)] While Defendant is correct in noting that he may raise the issue of
6 an illegal sentence at any time—even for the first time on appeal and even though he
7 entered a plea of guilty—this Court has already concluded once before that he cannot
8 change the facts supporting his convictions for contributing to the delinquency of a
9 minor given the entry of his guilty plea. As a result, under the doctrine of law of the
10 case, we are bound by this Court’s prior decision and we affirm.

11 **IT IS SO ORDERED.**

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13

JAMES J. WECHSLER, Judge

14 **WE CONCUR:**

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16

CYNTHIA A. FRY, Judge

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2 **MICHAEL E. VIGIL, Judge**