

1 counts of possession of a controlled substance, challenging the district court's
2 calculation of credit for presentence confinement. This Court's second notice of
3 proposed summary disposition proposed to hold that Defendant was entitled to
4 presentence confinement credit for seventy days that were omitted from the
5 calculation below. [2CN 3] In response, the State has filed a notice that it concurs in
6 that proposed disposition. We, therefore, reverse the sentence entered below and
7 remand this case to the district court for the purpose of recalculating Defendant's
8 presentence confinement and entering a new sentence, in accordance with NMSA
9 1978, Section 31-20-12 (1977).

10 {2} **IT IS SO ORDERED.**

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MICHAEL E. VIGIL, Judge

13 **WE CONCUR:**

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JAMES J. WECHSLER, Judge

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STEPHEN G. FRENCH, Judge