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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. A-1-CA-36577

5 **FREDDIE LAMAR LITTON,**

6 Defendant-Appellant.

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

8 **Cristina T. Jaramillo, District Judge**

9 Hector H. Balderas, Attorney General

10 Santa Fe, NM

11 for Appellee

12 Bennett J. Baur, Chief Public Defender

13 Kathleen T. Baldrige, Assistant Appellate Defender

14 Santa Fe, NM

15 for Appellant

16 **MEMORANDUM OPINION**

17 **VANZI, Chief Judge.**

18 {1} Defendant has appealed from convictions for possession of a controlled

19 substance, tampering with evidence, possession of drug paraphernalia, and resisting,

1 evading, or obstructing an officer. Most recently, we issued a second notice of
2 proposed summary disposition in which we proposed to reverse the conviction for
3 possession of drug paraphernalia, and to affirm the other convictions.

4 {2} Defendant has filed a response with this Court indicating that he continues to
5 oppose our proposed summary disposition with respect to the convictions for
6 possession of a controlled substance, tampering with evidence, and resisting, evading,
7 or obstructing an officer; however, he agrees with our proposed reversal of the
8 conviction for possession of drug paraphernalia. The State has filed no responsive
9 memorandum.

10 {3} Accordingly, for the reasons previously stated, we affirm in part and reverse in
11 part.

12 {4} **IT IS SO ORDERED.**

13 _____
14 **LINDA M. VANZI, Chief Judge**

15 **WE CONCUR:**

16 _____
17 **MICHAEL E. VIGIL, Judge**

18 _____
19 **HENRY M. BOHNHOFF, Judge**