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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. 32,104**

5 **NICHOLAS RAY LOPEZ,**

6           Defendant-Appellant.

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

8 **William G.W. Shoobridge, District Judge**

9 Gary K. King, Attorney General

10 Albuquerque, NM

11 for Appellee

12 Jacqueline L. Cooper, Chief Public Defender

13 B. Douglas Wood III, Assistant Appellate Defender

14 Santa Fe, NM

15 for Appellant

16   **MEMORANDUM OPINION**

17 **KENNEDY, Judge.**

1           Nicholas Ray Lopez (Defendant) appeals from a judgment and sentence upon  
2 his guilty plea. We proposed to affirm as Defendant waived his right to appeal in the  
3 guilty plea. The issues raised in Defendant’s docketing statement went to the district  
4 court’s apparent denial of his motion to withdraw his plea. We proposed to refuse to  
5 address those issues, as there was no written order from the district court denying the  
6 motion to withdraw the plea. Defendant has timely responded to our proposals. We  
7 have considered his arguments and, finding them unpersuasive, we affirm the  
8 judgment and sentence.

9           Defendant argues that we should consider the issues relating to the denial of his  
10 motion to withdraw his guilty plea because a written order is not essential to  
11 perfecting his appeal. [MIO 1] Defendant is mistaken in this argument. Our case law  
12 is clear that our jurisdiction depends on a final, *written* order. A district court’s oral  
13 pronouncements are not final until they are put in writing. *State v. Lohberger*, 2008-  
14 NMSC-033, ¶ 20, 144 N.M. 297, 187 P.3d 162. Here, Defendant argues that the  
15 district court’s record of the proceedings on the motion to withdraw is sufficient to  
16 meet the requirements of a written order. We disagree. Again, our cases are clear that  
17 the writing from which one may appeal must contain decretal language and be signed  
18 by the judge. *Id.* The record of the court proceedings does not satisfy the

1 requirements for a final, written order. Thus, there is no order on Defendant's motion  
2 to withdraw his guilty plea from which he can appeal.

3 For the reasons stated herein and in the notice of proposed disposition, we  
4 refuse to address the issues relating to Defendant's motion to withdraw his plea and  
5 affirm the judgment and sentence on his guilty plea.

6 **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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**MICHAEL E. VIGIL, Judge**