



Mark Reynolds

**IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO
NOTICE OF ORAL ARGUMENT**

DATE and TIME: Wednesday, June 3, 2026 at 10:00 A.M.

No. A-1-CA-42236

STATE OF NEW MEXICO,

Plaintiff-Appellant,

v.

PATRICK HOWARD,

Defendant-Appellee.

***PANEL: Judge Duffy, Judge Henderson, and Judge Wray**

***Court of Appeals' panel members are listed in seniority order.**

Panels may be changed without notice.

Oral Argument will be held in the Albuquerque Court of Appeals Pamela B. Minzner Law Center, 2211 Tucker NE, Albuquerque, New Mexico 87106.

Please park in the "L" parking lot and go to the clerk's office counter for a parking pass. Limit one parking pass to each party arguing before the Court. Please have your driver's license with you, as you must leave your driver's license with the clerk's office to receive a parking pass.

IN ADDITION TO THE FACTS AND ARGUMENTS BRIEFED, COUNSEL SHALL BE PREPARED TO ADDRESS THE FOLLOWING:

- 1) Does the State have a right to appeal the district court's order denying the State's motion to reinstate probation? Be prepared to explain the basis for any statutory or constitutional right to appeal and whether this Court has jurisdiction to hear the appeal. *See State v. Heinsen*, 2005-NMSC-035, ¶ 7, 138 N.M. 441, 121 P.3d 1040 ("The State's right to appeal an adverse ruling**

in a criminal proceeding exists only by constitutional provision, statute, or rule.”).

- 2) Does the district court’s grant of Defendant’s motion to terminate probation, ordering Defendant discharged from probation after determining he was eligible for early release, constitute an illegal sentence?
- 3) Does the recommended sentence to “Supervised Probation for five (5) years” in the plea agreement constitute an illegal sentence on the face of the plea agreement?
- 4) Does the timing of the State’s motion to reinstate probation implicate double jeopardy or mootness concerns based on (a) the sentence agreed to in the plea agreement and entered in the district court’s conditional discharge order; or (b) Defendant’s early termination from probation?

May 5, 2026

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

RECEIPT OF ORAL ARGUMENT

Attorneys must eFile this form with the Court of Appeals within 5 days of receipt.

Pro Se parties must return this form to the Court of Appeals Clerk's Office at P.O. Box 2008, Santa Fe, NM 87504-2008 or fax to 505-841-4614 within 5 days of receipt.

I hereby acknowledge receipt of the Oral Argument scheduled in Court of Appeals No. A-1-CA-42236, *State v. P Howard*, scheduled for **Wednesday, June 3, 2026 at 10:00 A.M.** in the New Mexico Court of Appeals Pamela B. Minzner Law Center Courtroom, 2211 Tucker NE, Albuquerque, New Mexico 87106.

Dated: _____

Attorney/Party Signature: _____

Print Name: _____

ATTENTION: REGARDING SETTLEMENT

Judges and their staff spend several days preparing for oral argument. If a case settles, some or all of this time can be utilized working other cases. To conserve judicial resources, counsel are instructed to notify the Clerk of the Court if settlement negotiations are underway and to keep him informed of the progress. Should the parties reach settlement, the Court should be informed immediately.

ATTENTION: PERSONS WITH DISABILITIES

New Mexico Courts comply with the Americans with Disabilities Act and Title VI. If you need accommodations or the services of an interpreter in court, email or call the court as soon as possible to inform us. We will make every effort to ensure that oral arguments are held at facilities which are fully accessible to persons with disabilities. If you plan to attend an oral argument and will need assistance relating to a disability please contact our office prior to the oral argument date. (505-841-4618; FAX: 505-841-4614)

MARK REYNOLDS
Chief Clerk of the Court of Appeals