

STATE V. APODACA

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**STATE OF NEW MEXICO,
Plaintiff-Appellant,
v.
FRANK APODACA,
Defendant-Appellee.**

No. 35,666

COURT OF APPEALS OF NEW MEXICO

September 14, 2016

APPEAL FROM THE DISTRICT COURT OF LINCOLN COUNTY, Daniel A. Bryant,
District Judge

COUNSEL

Hector H. Balderas, Attorney General, Santa Fe, NM, Elizabeth Ashton, Assistant Attorney General, Albuquerque, NM, for Appellant

Bennett J. Baur, Chief Public Defender, Santa Fe, NM, for Appellee

JUDGES

MICHAEL E. VIGIL, Chief Judge. WE CONCUR: JAMES J. WECHSLER, Judge, M. MONICA ZAMORA, Judge

AUTHOR: MICHAEL E. VIGIL

MEMORANDUM OPINION

VIGIL, Chief Judge.

{1} The State has appealed from a suppression order. We previously issued a notice of proposed summary disposition, in which we proposed to affirm. The State has filed a

response with this Court indicating that it does not oppose our proposed summary disposition.

{2} Accordingly, for the reasons previously stated, we affirm.

{3} **IT IS SO ORDERED.**

MICHAEL E. VIGIL, Chief Judge

WE CONCUR:

JAMES J. WECHSLER, Judge

M. MONICA ZAMORA, Judge