

STATE V. DANIEL R.

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STATE OF NEW MEXICO,

Plaintiff-Appellant,

v.

DANIEL R.,

Child-Appellee.

No. 34,490

COURT OF APPEALS OF NEW MEXICO

January 27, 2016

APPEAL FROM THE DISTRICT COURT OF OTERO COUNTY, Angie K. Schneider,
District Judge

COUNSEL

Hector H. Balderas, Attorney General, Santa Fe, NM, for Appellant

Russell Dean Clark LLC, Russell Dean Clark, Las Cruces, NM, for Appellee

JUDGES

TIMOTHY L. GARCIA, Judge. WE CONCUR: RODERICK T. KENNEDY, Judge, M.
MONICA ZAMORA, Judge

AUTHOR: TIMOTHY L. GARCIA

MEMORANDUM OPINION

GARCIA, Judge.

{1} The State appealed from the district court's order granting, in part, Daniel R.'s (Child) motion to suppress. This Court's calendar notice proposed to affirm on the basis that the district court's findings supported the ruling that there were no exigent circumstances justifying a warrantless entry into Child's home, and therefore, the officer

violated Child's rights to be free from an unreasonable search and seizure. [RP 145-46]
The State filed a response to the proposed disposition stating that it does not oppose
the summary disposition. For these reasons, and those stated in this Court's calendar
notice, we affirm.

{2} IT IS SO ORDERED.

TIMOTHY L. GARCIA, Judge

WE CONCUR:

RODERICK T. KENNEDY, Judge

M. MONICA ZAMORA, Judge