

STATE V. GARCIA

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STATE OF NEW MEXICO,
Plaintiff-Appellant,
v.
JOSEPH ANTHONY GARCIA,
Defendant-Appellee.

NO. 30,807

COURT OF APPEALS OF NEW MEXICO

June 9, 2011

APPEAL FROM THE DISTRICT COURT OF DOÑA ANA COUNTY, Lisa C. Schultz,
District Judge

COUNSEL

Gary K. King, Attorney General, Andrew S. Montgomery, Assistant Attorney General,
Santa Fe, NM, for Appellant

Law Offices of Michael L. Stout, Michael L. Stout, Las Cruces, NM, for Appellee

JUDGES

MICHAEL E. VIGIL, Judge. WE CONCUR: MICHAEL D. BUSTAMANTE, Judge,
JONATHAN B. SUTIN, Judge.

AUTHOR: MICHAEL E. VIGIL

MEMORANDUM OPINION

VIGIL, Judge.

The State appeals the district court order granting a new trial to Defendant. We proposed to affirm in a calendar notice. In response, the State filed a "Notice of Non-

Intention to File Memorandum in Response to Notice of Proposed Summary Disposition.” Therefore, for the reasons discussed in our calendar notice, we affirm.

IT IS SO ORDERED.

MICHAEL E. VIGIL, Judge

WE CONCUR:

MICHAEL D. BUSTAMANTE, Judge

JONATHAN B. SUTIN, Judge