

STATE V. GISHEY

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STATE OF NEW MEXICO,
Plaintiff-Appellant,
v.
TANYA GISHEY,
Defendant-Appellee.

No. 33,217

COURT OF APPEALS OF NEW MEXICO

December 3, 2013

APPEAL FROM THE DISTRICT COURT OF MCKINLEY COUNTY, Robert A. Aragon,
District Judge

COUNSEL

Gary K. King, Attorney General, Santa Fe, NM, Jacqueline R. Medina, Assistant Attorney General, Albuquerque, NM, for Appellant

Thomas Nececkas, Gallup, NM, for Appellee

JUDGES

MICHAEL E. VIGIL, Judge. WE CONCUR: MICHAEL D. BUSTAMANTE, Judge,
TIMOTHY L. GARCIA, Judge

AUTHOR: MICHAEL E. VIGIL

MEMORANDUM OPINION

VIGIL, Judge.

{1} The State appealed from the district court's amended order dismissing the case with prejudice on double jeopardy grounds. This Court issued a notice of proposed summary disposition proposing to affirm the district court's order. The State has filed a

response to this Court's notice, indicating that it will not be filing a memorandum opposing this Court's proposed disposition. *See Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683 ("Our courts have repeatedly held that, in summary calendar cases, the burden is on the party opposing the proposed disposition to clearly point out errors in fact or law."). Accordingly, for the reasons stated in this Court's notice of proposed disposition, we affirm.

{2} IT IS SO ORDERED.

MICHAEL E. VIGIL, Judge

WE CONCUR:

MICHAEL D. BUSTAMANTE, Judge

TIMOTHY L. GARCIA, Judge