

STATE V. KEY

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STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
KENNETH KEY,
Defendant-Appellant.

NO. 29,792

COURT OF APPEALS OF NEW MEXICO

November 16, 2009

APPEAL FROM THE DISTRICT COURT OF SAN JUAN COUNTY, Thomas J. Hynes,
District Judge

COUNSEL

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

Hugh W. Dangler, Chief Public Defender, Nancy Hewitt, Appellate Defender, Santa Fe,
NM, for Appellant

JUDGES

JAMES J. WECHSLER, Judge. WE CONCUR: CELIA FOY CASTILLO, Judge,
TIMOTHY L. GARCIA, Judge

AUTHOR: JAMES J. WECHSLER

MEMORANDUM OPINION

WECHSLER, Judge.

In our notice of proposed summary disposition, this Court proposed to reverse the district court's denial of Defendant's motion to suppress his breath alcohol test

results. The State has filed a notice of its intent not to file a memorandum opposing our proposed summary disposition. Therefore, for the reasons stated in the notice of proposed summary disposition, we reverse.

IT IS SO ORDERED.

JAMES J. WECHSLER, Judge

WE CONCUR:

CELIA FOY CASTILLO, Judge

TIMOTHY L. GARCIA, Judge