

STATE V. LOZANO

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STATE OF NEW MEXICO

Plaintiff-Appellant,

v.

MARCOS FINO LOZANO,

Defendant-Appellee.

No. 32,345

COURT OF APPEALS OF NEW MEXICO

April 3, 2013

APPEAL FROM THE DISTRICT COURT OF DOÑA ANA COUNTY, Douglas R.
Driggers, District Judge

COUNSEL

Gary K. King, Attorney General, James W. Grayson, Assistant Attorney General, Santa Fe, NM, for Appellant

Law Office of Michael E. Cain, LLC, Michael E. Cain, Las Cruces, NM, for Appellee

JUDGES

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

AUTHOR: JONATHAN B. SUTIN

MEMORANDUM OPINION

SUTIN, Judge.

Summary reversal was proposed for the reasons stated in the second notice of proposed summary disposition. No memorandum opposing summary reversal has been filed, and the time for doing so has expired.

For the reasons set forth in our second notice of proposed summary disposition filed December 14, 2012, we REVERSE the district court's order excluding Officer Herrera as a witness.

IT IS SO ORDERED.

JONATHAN B. SUTIN, Judge

WE CONCUR:

MICHAEL D. BUSTAMANTE, Judge

MICHAEL E. VIGIL, Judge