

STATE V. STRUBHAR

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STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
MICHAEL STRUBHAR,
Defendant-Appellant.

NO. 30,243

COURT OF APPEALS OF NEW MEXICO

May 13, 2010

APPEAL FROM THE DISTRICT COURT OF DOÑA ANA COUNTY, Stephen Bridgforth,
District Judge

COUNSEL

Gary K. King, Attorney General, Santa Fe, NM, M. Anne Kelley, Assistant Attorney General, Albuquerque, NM, for Appellee

Hugh W. Dangler, Chief Public Defender, Aric G. Elsenheimer, Assistant Appellate Defender, Las Cruces, NM, for Appellant

JUDGES

CYNTHIA A. FRY, Chief Judge. WE CONCUR: JONATHAN B. SUTIN, Judge,
RODERICK T. KENNEDY, Judge

AUTHOR: CYNTHIA A. FRY

MEMORANDUM OPINION

FRY, Chief Judge.

Defendant appeals from a judgment and sentence on one count of forgery entered after Defendant filed a conditional guilty plea [RP 177], reserving the right to appeal the

denial of his motion to dismiss the indictment. We issued a calendar notice proposing to reverse because the forgery charge should have been brought in a previous prosecution. The State has responded by informing us that it will not be filing a memorandum in opposition. We therefore reverse the district court.

IT IS SO ORDERED.

CYNTHIA A. FRY, Chief Judge

WE CONCUR:

JONATHAN B. SUTIN, Judge

RODERICK T. KENNEDY, Judge