

STATE V. VAN WINKLE

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**STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
PHILBERT VANWINKLE,
Defendant-Appellant.**

No. 36,126

COURT OF APPEALS OF NEW MEXICO

June 5, 2017

APPEAL FROM THE DISTRICT COURT OF SAN JUAN COUNTY, Karen L.
Townsend, District Judge

COUNSEL

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JUDGES

M. MONICA ZAMORA, Judge. WE CONCUR: TIMOTHY L. GARCIA, Judge, J. MILES
HANISEE, Judge

AUTHOR: M. MONICA ZAMORA

MEMORANDUM OPINION

ZAMORA, Judge.

{1} Defendant Philbert Vanwinkle appeals from his convictions for aggravated burglary and tampering with evidence following the denial of his motion to suppress evidence and his entry of a conditional guilty plea. [DS 2; RP 48, 51, 67, 79] This Court

issued a notice proposing to summarily reverse. [CN 1, 2, 8] The State has filed a response informing this Court it does not intend to file a memorandum in opposition to this Court's notice of proposed disposition. Therefore, based on the reasons set forth in this Court's notice of proposed disposition, we reverse.

{2} IT IS SO ORDERED.

M. MONICA ZAMORA, Judge

WE CONCUR:

TIMOTHY L. GARCIA, Judge

J. MILES HANISEE, Judge