

STATE V. PEREZ

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STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
CELENA PEREZ,
Defendant-Appellant.

NO. A-1-CA-37268

COURT OF APPEALS OF NEW MEXICO

September 24, 2018

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

COUNSEL

Hector H. Balderas, Attorney General, Santa Fe, NM, for Appellee

Bennett J. Baur, Chief Public Defender, Kathleen T. Baldridge, Assistant Public
Defender, Santa Fe, NM, for Appellant

JUDGES

MICHAEL E. VIGIL, Judge. WE CONCUR: HENRY M. BOHNHOFF, Judge, DANIEL J.
GALLEGOS, Judge

AUTHOR: MICHAEL E. VIGIL

MEMORANDUM OPINION

VIGIL, Judge.

{1} Defendant Celena Perez appeals from the judgment and order suspending sentence resulting from her conditional no contest plea, convicting her of possession of a controlled substance and possession of marijuana or synthetic cannabinoids. [RP

101] Defendant reserved the right to appeal the court's ruling on her motion to suppress. [RP 96, 112] This Court issued a calendar notice on August 29, 2018, proposing summary reversal on the basis that the search of Defendant's person was unlawful. [CN 2] On September 18, 2018, the State filed a response to the calendar notice indicating that it will not file a memorandum in opposition. Thus, for the reasons stated in the calendar notice, we reverse and remand to the district court.

{2} IT IS SO ORDERED.

MICHAEL E. VIGIL, Judge

WE CONCUR:

HENRY M. BOHNHOFF, Judge

DANIEL J. GALLEGOS, Judge