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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-38498

STATE OF NEW MEXICO,

Plaintiff-Appellant,

v.

ANGEL GARCIA,

Defendant-Appellee.

APPEAL FROM THE DISTRICT COURT OF DOÑA ANA COUNTY
Marci E. Beyer, District Judge

Hector H. Balderas, Attorney General
M. Anne Kelly, Assistant Attorney General
Marko D. Hananel, Assistant Attorney General
Santa Fe, NM

for Appellant

Bennett J. Baur, Chief Public Defender
Santa Fe, NM

for Appellee

MEMORANDUM OPINION

VARGAS, Judge.

{1} The State appealed a ruling by which it is prohibited from presenting evidence of a prior DWI conviction to the grand jury in this matter. We previously issued a notice of proposed summary disposition in which we proposed to affirm. The State has filed a response indicating that it does not intend to file a memorandum in opposition.

{2} Accordingly, for the reasons previously stated, we affirm.

{3} IT IS SO ORDERED.

JULIE J. VARGAS, Judge

WE CONCUR:

JENNIFER L. ATTREP, Judge

ZACHARY A. IVES, Judge