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**IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

**No. A-1-CA-38709**

**STATE OF NEW MEXICO,**

Plaintiff-Appellee,

v.

**FRANCISCO BUSTAMANTE,**

Defendant-Appellee.

**APPEAL FROM THE DISTRICT COURT OF ROOSEVELT COUNTY**  
**Donna J. Mowrer, District Judge**

Hector H. Balderas, Attorney General  
Santa Fe, NM  
Meryl E. Francolini, Assistant Attorney General  
Albuquerque, NM

for Appellee

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

for Appellant

**MEMORANDUM OPINION**

**HANISEE, Chief Judge.**

{1} The State appeals from the district court's order excluding lab results and expert testimony. In this Court's notice of proposed disposition, we proposed to summarily affirm. In response, the State filed a notice of its intent not to file a memorandum in opposition to our proposed summary disposition. We therefore affirm for the reasons set out in this Court's notice of proposed disposition.

{2} **IT IS SO ORDERED.**

**J. MILES HANISEE, Chief Judge**

**WE CONCUR:**

**JACQUELINE R. MEDINA, Judge**

**ZACHARY A. IVES, Judge**