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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-38553

STATE OF NEW MEXICO,

Plaintiff-Appellant,

v.

BRIAN JACKSON,

Defendant-Appellee.

APPEAL FROM THE DISTRICT COURT OF SANDOVAL COUNTY

Louis P. McDonald, District Judge

Hector H. Balderas, Attorney General
Santa Fe, NM

Charles J. Gutierrez, Assistant Attorney General
Albuquerque, NM

for Appellant

Arthur Hernandez
Rio Rancho, NM

for Appellee

MEMORANDUM OPINION

HANISEE, Chief Judge.

{1} The State appeals from the district court's order granting Defendant's motion to suppress an officer's testimony. This Court issued a notice of proposed disposition, proposing to summarily affirm. The State filed a notice of non-opposition to our calendar notice, stating that it does not oppose the proposed summary disposition. Accordingly, and for the reasons stated in our notice of proposed disposition, we affirm.

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

J. MILES HANISEE, Chief Judge

WE CONCUR:

KRISTINA BOGARDUS, Judge

BRIANA H. ZAMORA, Judge