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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-39173

STATE OF NEW MEXICO,

Plaintiff-Appellant,

v.

PAMELA B. GONZALES,

Defendant-Appellee.

APPEAL FROM THE DISTRICT COURT OF SANDOVAL COUNTY

George P. Eichwald, District Judge

Hector H. Balderas, Attorney General

Santa Fe, NM

Walter Hart, Assistant Attorney General

Albuquerque, NM

for Appellant

D. Eric Hannum

Albuquerque, NM

for Appellee

MEMORANDUM OPINION

DUFFY, Judge.

{1} The State appeals from a district court order granting Defendant's motion to suppress based on an unlawful seizure. We issued a calendar notice proposing to affirm. The State has responded by informing us that it will not be filing a memorandum in opposition. Accordingly, we affirm. See *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating that "[a] party responding to a summary calendar notice must come forward and specifically point out errors of law and fact," *superseded by statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374.

{2} IT IS SO ORDERED.

MEGAN P. DUFFY, Judge

WE CONCUR:

JENNIFER L. ATTREP, Judge

KRISTINA BOGARDUS, Judge