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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-39654

STATE OF NEW MEXICO,

Plaintiff-Appellant,

v.

ERIC CHINO,

Defendant-Appellee.

**APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY
Cindy Leos, District Judge**

Hector H. Balderas, Attorney General
Santa Fe, NM
Peter J. Valencia, III, Assistant Attorney General
Albuquerque, NM

for Appellant

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

for Appellee

MEMORANDUM OPINION

BOGARDUS, Judge.

{1} The State appeals from the district court's order dismissing a criminal charge without prejudice. This Court issued a notice of proposed disposition, proposing to affirm the district court. The State has filed a timely notice of intent not to file a memorandum in opposition and indicated that the State does not oppose the proposed affirmance. Accordingly, and for the reasons stated in our notice of proposed disposition, we affirm the district court.

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

KRISTINA BOGARDUS, Judge

WE CONCUR:

JACQUELINE R. MEDINA, Judge

SHAMMARA H. HENDERSON, Judge