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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

STATE OF NEW MEXICO,

Plaintiff-Appellant,

v. **NO. 30,739**

JIM A. ZAFARANO,

Defendant-Appellee.

APPEAL FROM THE DISTRICT COURT OF CHAVES COUNTY
Ralph D. Shamas, District Judge

Gary K. King, Attorney General
Santa Fe, NM
Joel Jacobsen, Assistant Attorney General
Albuquerque, NM

for Appellant

Hugh W. Dangler, Chief Public Defender
Nancy Hewitt, Appellate Defender
Santa Fe, NM

for Appellee

MEMORANDUM OPINION

KENNEDY, Judge.

The State appeals an order granting Defendant's motion to suppress. We

proposed to affirm in a notice of proposed summary disposition, and the State has filed a response indicating that it will not be filing a memorandum in opposition. Therefore, for the reasons set forth in our notice of proposed summary disposition, we affirm the order granting Defendant's motion to suppress.

IT IS SO ORDERED.

RODERICK T. KENNEDY, Judge

WE CONCUR:

LINDA M. VANZI, Judge

TIMOTHY L. GARCIA