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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

STATE OF NEW MEXICO,

Plaintiff-Appellant,

v. **NO. 31,107**

MICHAEL HAGAN,

Defendant-Appellee.

APPEAL FROM THE DISTRICT COURT OF LEA COUNTY
William G. Shoobridge, District Judge

Gary K. King, Attorney General
Margaret McLean, Assistant Attorney General
Santa Fe, NM

for Appellant

J. Robert Beauvais, P.A.
J. Robert Beauvais
Ruidoso, NM

for Appellee

MEMORANDUM OPINION

VANZI, Judge.

The State seeks an appeal as of right from an interlocutory order disqualifying Chief Deputy District Attorney Diana Luce from prosecuting this case. We issued a notice of proposed summary disposition, in which we proposed to dismiss the appeal. The State and Defendant Michael Hagan have each filed a memorandum in support of the proposed summary dismissal. Accordingly, for the reasons stated in our notice of proposed summary disposition, we dismiss this appeal and remand for further proceedings in the district court.

IT IS SO ORDERED.

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LINDA M. VANZI, Judge

WE CONCUR:

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CYNTHIA A. FRY, Judge

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MICHAEL E. VIGIL, Judge