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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v. **NO. 31,266**

EVAN WINK,

Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF DOÑA ANA COUNTY
Lisa C. Schultz, District Judge

Gary K. King, Attorney General
Nicole Beder, Assistant Attorney General
Santa Fe, NM

for Appellee

Templeman & Crutchfield, PA
C. Barry Crutchfield
Lovington, NM

for Appellant

MEMORANDUM OPINION

BUSTAMANTE, Judge.

Defendant appeals the dismissal of his appeal from magistrate court to district court. In our second notice, we proposed to reverse the dismissal. The State has responded that it does not oppose our proposed reversal.

Therefore, for the reasons stated in our second notice, we reverse and remand to reinstate the appeal and permit defense counsel to set it for trial de novo.

IT IS SO ORDERED.

MICHAEL D. BUSTAMANTE, Judge

WE CONCUR:

JONATHAN B. SUTIN, Judge

MICHAEL E. VIGIL, Judge