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1           **IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

2 **STATE OF NEW MEXICO,**

3           Plaintiff-Appellant,

4 v.

**NO. 34,490**

5 **DANIEL R.,**

6           Child-Appellee.

7 **APPEAL FROM THE DISTRICT COURT OF OTERO COUNTY**

8 **Angie K. Schneider, District Judge**

9 Hector H. Balderas, Attorney General

10 Santa Fe, NM

11 for Appellant

12 Russell Dean Clark LLC

13 Russell Dean Clark

14 Las Cruces, NM

15 for Appellee

16   **MEMORANDUM OPINION**

17 **GARCIA, Judge.**

18 {1}     The State appealed from the district court's order granting, in part, Daniel R.'s

1 (Child) motion to suppress. This Court's calendar notice proposed to affirm on the  
2 basis that the district court's findings supported the ruling that there were no exigent  
3 circumstances justifying a warrantless entry into Child's home, and therefore, the  
4 officer violated Child's rights to be free from an unreasonable search and seizure. [RP  
5 145-46] The State filed a response to the proposed disposition stating that it does not  
6 oppose the summary disposition. For these reasons, and those stated in this Court's  
7 calendar notice, we affirm.

8 {2} **IT IS SO ORDERED.**

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**TIMOTHY L. GARCIA, Judge**

11 **WE CONCUR:**

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**RODERICK T. KENNEDY, Judge**

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**M. MONICA ZAMORA, Judge**