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

2       **STATE OF NEW MEXICO,**

3             Plaintiff-Appellee,

4       v.

**No. 34,304**

5       **ROLAND WAYNE YOINGCO,**

6             Defendant-Appellant.

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

8       **Steven L. Bell, District Judge**

9       Hector H. Balderas, Attorney General

10       Margaret E. McLean, Assistant Attorney General

11       Joel Jacobsen, Assistant Attorney General

12       Santa Fe, NM

13       for Appellee

14       Hennighausen & Olsen, L.L.P.

15       Kenneth B. Wilson

16       Jeff Grandjean

17       Roswell, NM

18       for Appellant

1 **MEMORANDUM OPINION**

2 **WECHSLER, Judge.**

3 {1} Defendant Roland Yoingco appeals from his judgment and sentence, entered  
4 pursuant to a jury trial at which Defendant was found guilty of aggravated burglary,  
5 pursuant to NMSA 1978, Section 30-16-4 (1963). We issued a notice of proposed  
6 summary disposition, proposing to reverse and remand. The State has filed a response,  
7 indicating that it will not be filing a memorandum in opposition. Accordingly, for the  
8 reasons stated in our notice, we reverse Defendant's conviction and remand for a new  
9 trial.

10 {2} **IT IS SO ORDERED.**

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**JAMES J. WECHSLER, Judge**

13 **WE CONCUR:**

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**MICHAEL E. VIGIL, Chief Judge**

1 **M. MONICA ZAMORA, Judge**