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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. 34,485

5 **ERIC GARCIA,**

6 Defendant-Appellee.

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

8 **Jacqueline D. Flores, District Judge**

9 Hector H. Balderas, Attorney General

10 Santa Fe, NM

11 Jane A. Bernstein, Assistant Attorney General

12 Albuquerque, NM

13 for Appellant

14 M. Naomi Salazar

15 Albuquerque, NM

16 for Appellee

17 **MEMORANDUM OPINION**

18 **GARCIA, Judge.**

1 {1} Plaintiff State of New Mexico filed a docketing statement, appealing from the
2 district court's order granting Defendant Eric Garcia's motion to exclude drug test
3 results, entered on January 30, 2015. [DS 2-3; RP 33] This Court issued a calendar
4 notice, proposing to affirm. The State filed a response to our notice, informing this
5 Court that it "will not be filing a memorandum in opposition to the proposed summary
6 affirmance[.]" [Response 1] Accordingly, for the reasons stated in our notice of
7 proposed disposition, 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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LINDA M. VANZI, Judge