

This memorandum opinion was not selected for publication in the New Mexico Appellate Reports. Please see Rule 12-405 NMRA for restrictions on the citation of unpublished memorandum opinions. Please also note that this electronic memorandum opinion may contain computer-generated errors or other deviations from the official paper version filed by the Court of Appeals and does not include the filing date.

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

2 **STATE OF NEW MEXICO,**

3 Plaintiff-Appellant,

4 v.

NO. 34,541

5 **LIONEL YAZZIE,**

6 Defendant-Appellee.

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

8 **Robert A. Aragon, District Judge**

9 Hector H. Balderas, Attorney General

10 Santa Fe, NM

11 M. Anne Kelly, Assistant Attorney General

12 Joel Jacobsen, Assistant Attorney General

13 Albuquerque, NM

14 for Appellant

15 Jorge A. Alvarado, Chief Public Defender

16 Santa Fe, NM

17 for Appellee

18 **MEMORANDUM OPINION**

19 **VIGIL, Judge.**

1 {1} The State appeals the district court's dismissal of charges against Defendant for
2 violation of the magistrate court 182-day rule. [DS 2] We issued a notice of proposed
3 summary disposition, proposing to summarily dismiss the appeal for lack of a final
4 order.

5 {2} The State has responded to our notice, indicating that the State will not be filing
6 a memorandum in opposition. [MIO 1] Accordingly, for the reasons detailed in our
7 notice, we dismiss the State's appeal for lack of a final order.

8 {3} **IT IS SO ORDERED.**

9
10

MICHAEL E. VIGIL, Chief Judge

11 **WE CONCUR:**

12
13

CYNTHIA A. FRY, Judge

14
15

LINDA M. VANZI, Judge