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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. 35,761

5 **KIRK BENTON,**

6 Defendant-Appellee.

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

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

9 Hector H. Balderas, Attorney General

10 Maris Veidemanis, Assistant Attorney General

11 Santa Fe, NM

12 for Appellant

13 Kicklighter Law PC

14 Molly Kicklighter

15 Alamogordo, NM

16 for Appellee

17 **MEMORANDUM OPINION**

18 **GARCIA, Judge.**

19 {1} The State appeals from an order granting a motion to suppress. We issued a

1 calendar notice proposing to affirm. The State has filed a response informing us that
2 it will not be filing a memorandum in opposition. Accordingly, we affirm the district
3 court.

4 {2} **IT IS SO ORDERED.**

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6

TIMOTHY L. GARCIA, Judge

7 **WE CONCUR:**

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J. MILES HANISEE, Judge

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11

JULIE J. VARGAS, Judge