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

**No. A-1-CA-37989**

**CITY OF FARMINGTON,**

Plaintiff-Appellee,

v.

**KEVIN JENSEN,**

Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT OF SAN JUAN COUNTY**

**Daylene A. Marsh, District Judge**

City of Farmington  
Ellen R. Wayne, Deputy City Attorney  
Farmington, NM

for Appellee

Bennett J. Baur, Chief Public Defender  
Santa Fe, NM

for Appellant

**MEMORANDUM OPINION**

**HANISEE, Chief Judge.**

{1} Defendant appeals the judgment and sentence entered in this case pursuant to a conditional plea agreement that allows him to challenge the stop that led to his arrest. This Court's notice of proposed summary disposition proposed to reverse on the basis that the stop in question was not based upon reasonable suspicion. [CN 4] In response, the City has filed a notice of its intent not to file a motion in opposition. We, therefore, reverse the judgment and sentence entered below and remand this case to the district court for appropriate proceedings.

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

**J. MILES HANISEE, Chief Judge**

**WE CONCUR:**

**JACQUELINE R. MEDINA, Judge**

**ZACHARY A. IVES, Judge**