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

7 **STATE OF NEW MEXICO,**

8 Plaintiff-Appellant,

9 v.

NO. 31,238

10 **JAVIER ARANDA,**

11 Defendant-Appellee.

12 **APPEAL FROM THE DISTRICT COURT OF EDDY COUNTY**

13 **Richard J. Brown, District Judge**

14 Gary K. King, Attorney General

15 Margaret McLean, Assistant Attorney General

16 Santa Fe, NM

17 for Appellant

18 Jacqueline L. Cooper, Acting Chief Public Defender

19 Nancy Hewitt, Assistant Appellate Defender

20 Santa Fe, NM

21 for Appellee

22 **MEMORANDUM OPINION**

23 **VANZI, Judge.**

