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5 filing date.

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

7 **STATE OF NEW MEXICO,**

8 Plaintiff-Appellee,

9 v.

**NO. 31,266**

10 **EVAN WINK,**

11 Defendant-Appellant.

12 **APPEAL FROM THE DISTRICT COURT OF DOÑA ANA COUNTY**

13 **Lisa C. Schultz, District Judge**

14 Gary K. King, Attorney General

15 Nicole Beder, Assistant Attorney General

16 Santa Fe, NM

17 for Appellee

18 Templeman & Crutchfield, PA

19 C. Barry Crutchfield

20 Lovington, NM

21 for Appellant

22 **MEMORANDUM OPINION**

23 **BUSTAMANTE, Judge.**

1 Defendant appeals the dismissal of his appeal from magistrate court to district  
2 court. In our second notice, we proposed to reverse the dismissal. The State has  
3 responded that it does not oppose our proposed reversal.

4 Therefore, for the reasons stated in our second notice, we reverse and remand  
5 to reinstate the appeal and permit defense counsel to set it for trial de novo.

6 **IT IS SO ORDERED.**

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**MICHAEL D. BUSTAMANTE, Judge**

9 **WE CONCUR:**

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**JONATHAN B. SUTIN, Judge**

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**MICHAEL E. VIGIL, Judge**