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

2 **STATE OF NEW MEXICO,**

3 Plaintiff-Appellee,

4 **vs.**

NO. 31,729

5 **NEIL SMITH,**

6 Defendant-Appellant.

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

8 **William G.W. Shoobridge, District Judge**

9 Gary K. King, Attorney General

10 Santa Fe, NM

11 for Appellee

12 Fredlund & Bryan

13 Jon Charles Fredlund

14 Hobbs, NM

15 for Appellant

1 **MEMORANDUM OPINION**

2 **GARCIA, Judge.**

3 Summary affirmance was proposed for the reason stated in the notice of
4 proposed disposition. No memorandum opposing summary affirmance has been filed,
5 and the time for doing so has expired.

6 Affirmed.

7 **IT IS SO ORDERED.**

8
9

TIMOTHY L. GARCIA, Judge

10 **WE CONCUR:**

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12

JAMES J. WECHSLER, Judge

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14

LINDA M. VANZI, Judge