

STATE V. CASTLE

This decision was not selected for publication in the New Mexico Appellate Reports. Please see Rule 12-405 NMRA for restrictions on the citation of non-precedential dispositions. Please also note that this electronic decision may contain computer-generated errors or other deviations from the official paper version filed by the Supreme Court.

**STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
DAVID ELLIOTT CASTLE,
Defendant-Appellant.**

No. 36,273

COURT OF APPEALS OF NEW MEXICO

July 11, 2017

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Cindy Leos,
District Judge

COUNSEL

Hector H. Balderas, Attorney General, Santa Fe, NM, for Appellee

Gorence & Oliveros, P.C., Robert J. Gorence, Victor E. Sanchez, Albuquerque, NM, for Appellant

JUDGES

TIMOTHY L. GARCIA, Judge. WE CONCUR: JONATHAN B. SUTIN, Judge, J. MILES HANISEE, Judge

AUTHOR: TIMOTHY L. GARCIA

MEMORANDUM OPINION

GARCIA, Judge.

{1} Defendant-Appellant David Elliott Castle appeals from the district court's denial of his motion to dismiss premised on prosecutorial misconduct and double jeopardy grounds. We previously issued a notice of proposed summary disposition in which we

proposed to affirm. Defendant has filed a response with this Court indicating that he does not intend to file a memorandum in opposition to our proposed summary disposition.

{2} Accordingly, for the reasons previously stated, we affirm the district court's decision.

{3} IT IS SO ORDERED.

TIMOTHY L. GARCIA, Judge

WE CONCUR:

JONATHAN B. SUTIN, Judge

J. MILES HANISEE, Judge