

STATE V. ELLIS

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STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
MARVIN ELLIS,
Defendant-Appellant.

NO. 31,367

COURT OF APPEALS OF NEW MEXICO

January 18, 2012

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Neil C.
Candelaria, District Judge

COUNSEL

Gary K. King, Attorney General, Santa Fe, NM, Francine A. Chavez, Assistant Attorney General, Albuquerque, NM, for Appellee

Marvin Ellis, Pro Se, Santa Rosa, NM, Pro Se Appellant

JUDGES

CYNTHIA A. FRY, Judge. WE CONCUR: TIMOTHY L. GARCIA, Judge, J. MILES HANISEE, Judge

AUTHOR: CYNTHIA A. FRY

MEMORANDUM OPINION

FRY, Judge.

Defendant appeals pro se from the district court's order denying Defendant's motion for an order requiring the return of currency taken at the time Defendant was arrested on multiple counts of fraud, racketeering, and embezzlement. [RP 227 (This appeal

concerns four district court cases that were consolidated on April 1, 2009, citation is to the record proper in CR-07-01759)] We proposed to reverse in a notice of proposed summary disposition. The State has filed a timely notice stating that it will not file a memorandum in opposition to our notice of proposed summary disposition, and Defendant has filed a memorandum in support.

Therefore, for the reasons set forth in our notice of proposed summary disposition, we reverse the district court's order denying Defendant's motion for an order requiring the return of \$1,700 in currency and Defendant's wallet which were taken from him at the time of his arrest.

IT IS SO ORDERED.

CYNTHIA A. FRY, Judge

WE CONCUR:

TIMOTHY L. GARCIA, Judge

J. MILES HANISEE, Judge