

STATE V. GONZALES

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STATE OF NEW MEXICO,
Plaintiff-Appellant,
v.
BERLINDA GONZALES,
Defendant-Appellee.

NO. 32,102

COURT OF APPEALS OF NEW MEXICO

September 25, 2012

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Kenneth H.
Martinez, District Judge

COUNSEL

Gary K. King, Attorney General, M. Anne Kelly, Assistant Attorney General,
Albuquerque, NM, for Appellant

Jacqueline L. Cooper, Chief Public Defender, Sergio Viscoli, Assistant Appellate
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JUDGES

RODERICK T. KENNEDY, Judge. WE CONCUR: JAMES J. WECHSLER, Judge,
MICHAEL D. BUSTAMANTE, Judge

AUTHOR: RODERICK T. KENNEDY

MEMORANDUM OPINION

KENNEDY, Judge.

The State appeals from the order suppressing statements made by Berlinda Gonzales (Defendant). We issued two calendar notices proposing to affirm. In our second

calendar notice, we noted that the district court accepted Defendant's claims that she was in custody when she was questioned and that she was not given *Miranda* warnings, and we proposed to conclude that the district court was correct in suppressing Defendant's statements. In response, the State has notified this Court that it will not be filing a memorandum in opposition to our second calendar notice. Therefore, for the reasons discussed in this Opinion and in our second calendar notice, we affirm the decision of the district court.

IT IS SO ORDERED.

RODERICK T. KENNEDY, Judge

WE CONCUR:

JAMES J. WECHSLER, Judge

MICHAEL D. BUSTAMANTE, Judge