

**STATE V. LEE**

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**STATE OF NEW MEXICO,**  
Plaintiff-Appellant,  
v.  
**FRANCO LEE,**  
Defendant-Appellee.

No. 33,134

COURT OF APPEALS OF NEW MEXICO

March 10, 2014

APPEAL FROM THE DISTRICT COURT OF SAN JUAN COUNTY, Karen L.  
Townsend, District Judge

**COUNSEL**

Gary K. King, Attorney General, Albuquerque, NM, for Appellant

Fortner & Curnutt, LLC, Mark A. Curnutt, Farmington, NM, for Appellee

**JUDGES**

RODERICK T. KENNEDY, Chief Judge. WE CONCUR: LINDA M. VANZI, Judge, J.  
MILES HANISEE, Judge

**AUTHOR:** RODERICK T. KENNEDY

**MEMORANDUM OPINION**

**KENNEDY, Chief Judge.**

{1} Summary reversal was proposed for the reasons stated in the calendar notice. No memorandum opposing summary reversal has been filed, and the time for doing so has expired.

**{2} REVERSED.**

**{3} IT IS SO ORDERED.**

**RODERICK T. KENNEDY, Chief Judge**

**WE CONCUR:**

**LINDA M. VANZI, Judge**

**J. MILES HANISEE, Judge**