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| <b>STATE V. LODOZA</b> |
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**STATE OF NEW MEXICO,**  
Plaintiff-Appellee,  
v.  
**JESUS LODOZA,**  
Defendant-Appellant.

NO. 30,510

COURT OF APPEALS OF NEW MEXICO

December 29, 2010

APPEAL FROM THE DISTRICT COURT OF CHAVES COUNTY, Steven L. Bell,  
District Judge

**COUNSEL**

Gary K. King, Attorney General, Santa Fe, NM, M. Anne Kelly, Assistant Attorney General, Albuquerque, NM, for Appellee

Hugh W. Dangler, Chief Public Defender, Santa Fe, NM, for Appellant

**JUDGES**

CELIA FOY CASTILLO, Judge. WE CONCUR: RODERICK T. KENNEDY, Judge,  
ROBERT E. ROBLES, Judge

**AUTHOR:** CELIA FOY CASTILLO

**MEMORANDUM OPINION**

**CASTILLO, Judge.**

Defendant appeals the district court's dismissal of his de novo appeal and the remand of his case to the magistrate court for imposition of the magistrate court's original judgment and sentence. In this Court's notice of proposed summary disposition, we

proposed to reverse. The State has responded with a memorandum in which it concedes that reversal for the reasons stated in our notice is appropriate. Therefore, for the reasons stated in our notice of proposed summary disposition, we reverse.

**IT IS SO ORDERED.**

**CELIA FOY CASTILLO, Judge**

**WE CONCUR:**

**RODERICK T. KENNEDY, Judge**

**ROBERT E. ROBLES, Judge**