

<b>STATE V. NEZ</b>
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**STATE OF NEW MEXICO,**  
Plaintiff-Appellant,  
**v.**  
**BRANDON SHAWN NEZ,**  
Defendant-Appellee.

No. 33,768

COURT OF APPEALS OF NEW MEXICO

September 8, 2014

APPEAL FROM THE DISTRICT COURT OF MCKINLEY COUNTY, Louis E. DePauli,  
Jr., District Judge

**COUNSEL**

Gary K. King, Attorney General, Margaret McLean, Assistant Attorney General, Santa Fe, NM, for Appellant

Steven F. Seeger, Gallup, NM, for Appellee

**JUDGES**

CYNTHIA A. FRY, Judge. WE CONCUR: RODERICK T. KENNEDY, Chief Judge, M. MONICA ZAMORA, Judge

**AUTHOR:** CYNTHIA A. FRY

**MEMORANDUM OPINION**

**FRY, Judge.**

{1} The State of New Mexico (the State) filed a docketing statement, appealing from the district court's order granting defendant Brandon Shawn Nez's (Defendant) motion to suppress evidence. This Court issued a calendar notice, proposing to summarily

affirm the order. The State filed a response to our notice, requesting that this Court follow its proposed disposition. [MIO 2] Accordingly, for the reasons stated in our notice of proposed disposition, we affirm the district court's order granting Defendant's motion to suppress.

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

**CYNTHIA A. FRY, Judge**

**WE CONCUR:**

**RODERICK T. KENNEDY, Chief Judge**

**M. MONICA ZAMORA, Judge**