

**STATE V. RAMIREZ**

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**STATE OF NEW MEXICO,**  
Plaintiff-Appellee,  
v.  
**DVINA RAMIREZ,**  
Defendant-Appellant.

NO. 31,369

COURT OF APPEALS OF NEW MEXICO

January 17, 2012

APPEAL FROM THE DISTRICT COURT OF DOÑA ANA COUNTY, Fernando R.  
Macias , District Judge

**COUNSEL**

Gary K. King, Attorney General, Andrew S. Montgomery, Assistant Attorney General,  
Santa Fe, NM, for Appellee

Jacqueline L. Cooper, Chief Public Defender, Santa Fe, NM, for Appellant

**JUDGES**

JAMES J. WECHSLER, Judge. WE CONCUR: CELIA FOY CASTILLO, Chief Judge,  
MICHAEL E. VIGIL, Judge

**AUTHOR:** JAMES J. WECHSLER

**MEMORANDUM OPINION**

**WECHSLER, Judge.**

Defendant is appealing from a district court order dismissing her appeal from magistrate court. We proposed to reverse because the district court granted the State's motion to dismiss without giving Defendant sufficient time to respond to the motion. The State has

filed a response indicating that it does not oppose our proposed disposition. We reverse and remand to the district court for further proceedings.

**IT IS SO ORDERED.**

**JAMES J. WECHSLER, Judge**

**WE CONCUR:**

**CELIA FOY CASTILLO, Chief Judge**

**MICHAEL E. VIGIL, Judge**