

<b>STATE V. RANKIN</b>
------------------------

This memorandum opinion was not selected for publication in the New Mexico Reports. Please see Rule 12-405 NMRA for restrictions on the citation of unpublished memorandum opinions. Please also note that this electronic memorandum opinion may contain computer-generated errors or other deviations from the official paper version filed by the Court of Appeals and does not include the filing date.

**STATE OF NEW MEXICO,**  
Plaintiff-Appellant,  
v.  
**RUSSELL RANKIN,**  
Defendant-Appellee.

No. 31,978

COURT OF APPEALS OF NEW MEXICO

June 1, 2012

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Reed S.  
Sheppard, District Judge

**COUNSEL**

Gary K. King, Attorney General, William H. Lazar, Assistant Attorney General, Santa Fe, NM, for Appellant

Clark, Grubestic, Jones & Baur, L.L.C., Thomas M. Clark, Santa Fe, NM, for Appellee

**JUDGES**

MICHAEL E. VIGIL, Judge. WE CONCUR: RODERICK T. KENNEDY, Judge, LINDA M. VANZI, Judge

**AUTHOR:** MICHAEL E. VIGIL

**MEMORANDUM OPINION**

**VIGIL, Judge.**

The State appealed an order dismissing the charges against Defendant in this case. In our notice of proposed summary disposition, we proposed to affirm, stating that dismissal was appropriate pursuant to Rule 5-203(A) NMRA, since the State had failed

to join these charges with the related charges in a prior case. The State has filed a response in which it now concedes that joinder was required. It therefore does not oppose summary affirmance. Accordingly, for the reasons stated in our notice of proposed summary disposition, we affirm.

**IT IS SO ORDERED.**

**MICHAEL E. VIGIL, Judge**

**WE CONCUR:**

**RODERICK T. KENNEDY, Judge**

**LINDA M. VANZI , Judge**