

**STATE V. SMITH**

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**STATE OF NEW MEXICO,**  
Plaintiff-Appellee,  
**vs.**  
**NEIL SMITH,**  
Defendant-Appellant.

No. 31,729

COURT OF APPEALS OF NEW MEXICO

August 17, 2012

APPEAL FROM THE DISTRICT COURT OF LEA COUNTY, William G.W. Shoobridge,  
District Judge

**COUNSEL**

Gary K. King, Attorney General, Santa Fe, NM, for Appellee

Fredlund & Bryan, Jon Charles Fredlund, Hobbs, NM, for Appellant

**JUDGES**

TIMOTHY L. GARCIA, Judge. WE CONCUR: JAMES J. WECHSLER, Judge, LINDA M. VANZI, Judge

**AUTHOR:** TIMOTHY L. GARCIA

**MEMORANDUM OPINION**

**GARCIA, Judge.**

Summary affirmance was proposed for the reason stated in the notice of proposed disposition. No memorandum opposing summary affirmance has been filed, and the time for doing so has expired.

Affirmed.

**IT IS SO ORDERED.**

**TIMOTHY L. GARCIA, Judge**

**WE CONCUR:**

**JAMES J. WECHSLER, Judge**

**LINDA M. VANZI, Judge**