

STATE V. WINK

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STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
EVAN WINK,
Defendant-Appellant.

NO. 31,266

COURT OF APPEALS OF NEW MEXICO

October 11, 2011

APPEAL FROM THE DISTRICT COURT OF DOÑA ANA COUNTY, Lisa C. Schultz,
District Judge

COUNSEL

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

Templeman & Crutchfield, PA, C. Barry Crutchfield, Lovington, NM, for Appellant

JUDGES

MICHAEL D. BUSTAMANTE, Judge. WE CONCUR: JONATHAN B. SUTIN, Judge,
MICHAEL E. VIGIL, Judge

AUTHOR: MICHAEL D. BUSTAMANTE

MEMORANDUM OPINION

BUSTAMANTE, Judge.

Defendant appeals the dismissal of his appeal from magistrate court to district court. In our second notice, we proposed to reverse the dismissal. The State has responded that it does not oppose our proposed reversal.

Therefore, for the reasons stated in our second notice, we reverse and remand to reinstate the appeal and permit defense counsel to set it for trial de novo.

IT IS SO ORDERED.

MICHAEL D. BUSTAMANTE, Judge

WE CONCUR:

JONATHAN B. SUTIN, Judge

MICHAEL E. VIGIL, Judge