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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-38944

STATE OF NEW MEXICO,

Plaintiff-Respondent,

v.

**CYNTHIA L. MEDINA
a/k/a CYNTHIA LEE FEREBEE,**

Defendant-Petitioner.

**APPEAL FROM THE DISTRICT COURT OF TAOS COUNTY
Emilio J. Chavez, District Judge**

Hector H. Balderas, Attorney General
Santa Fe, NM
M. Victoria Wilson, Assistant Attorney General
Albuquerque, NM

for Appellee

Jones, Snead, Wertheim & Clifford, P.A.
Jerry Todd Wertheim
Santa Fe, NM

for Appellant

MEMORANDUM OPINION

HANISEE, Chief Judge.

{1} Defendant appeals the denial of a motion to dismiss an indictment asserting a violation of the structural integrity of the grand jury process. [Ex.4 1] This Court's notice of proposed summary disposition proposed to reverse based upon the State's failure to provide sufficient notice of those grand jury proceedings, as required by Rule 5-302A NMRA. [CN 6] In response, the State has filed a notice that it does not intend to file a

memorandum in opposition to this Court's proposed summary reversal. We, therefore, reverse the district court's order denying dismissal of the indictment.

{2} IT IS SO ORDERED.

J. MILES HANISEE, Chief Judge

WE CONCUR:

JENNIFER L. ATTREP, Judge

JACQUELINE R. MEDINA, Judge