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**IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

**No. A-1-CA-39651**

**STATE OF NEW MEXICO,**

Plaintiff-Appellant,

v.

**NICOLE L. FLOWERS,**

Defendant-Appellee.

**APPEAL FROM THE DISTRICT COURT OF CURRY COUNTY  
Fred T. Van Soelen, District Judge**

Hector H. Balderas, Attorney General  
Santa Fe, NM  
Jane A. Bernstein, Assistant Attorney General  
Albuquerque, NM

for Appellant

Bennett J. Baur, Chief Public Defender  
Santa Fe, NM

for Appellee

**MEMORANDUM OPINION**

**DUFFY, Judge.**

{1} The State appeals from a district court order granting Defendant's motion to suppress. We issued a calendar notice proposing to affirm. The State has responded by indicating that it will not file a memorandum in opposition. Accordingly, we affirm the district court order granting Defendant's motion to suppress. *See Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683 ("Our courts have repeatedly held that, in summary calendar cases, the burden is on the party opposing the proposed disposition to clearly point out errors in fact or law.").

**{2} IT IS SO ORDERED.**

**MEGAN P. DUFFY, Judge**

**WE CONCUR:**

**JACQUELINE R. MEDINA, Judge**

**JANE B. YOHALEM, Judge**