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

**No. A-1-CA-40516**

**STATE OF NEW MEXICO,**

Plaintiff-Appellee,

v.

**YUSUF ABUGHUWALEH,**

Defendant-Appellant.

**APPEAL FROM THE METROPOLITAN COURT OF BERNALILLO COUNTY  
Joshua J. Sanchez, Metropolitan Court Judge**

Raúl Torrez, Attorney General  
Lindsay Stuart, Assistant Attorney General  
Santa Fe, NM

for Appellee

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

for Appellant

**MEMORANDUM OPINION**

**HANISEE, Judge.**

{1} Defendant appeals his conviction for driving while under the influence of intoxicating liquor or drugs (DWI). [CN 1] In our notice of proposed disposition, we proposed to reverse Defendant's convictions because Defendant's conviction was pursued under the incorrect subsection of NMSA 1978, Section 66-8-102 (2016). [CN 4] The State has responded to this Court's notice of proposed disposition, stating that it will not file a memorandum in opposition. [Rsp. 1] Accordingly, for the reasons stated in our notice of proposed disposition and herein, we reverse Defendant's conviction and remand this case to the district court for further proceedings.

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

**J. MILES HANISEE, Judge**

**WE CONCUR:**

**KRISTINA BOGARDUS, Judge**

**JANE B. YOHALEM, Judge**