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

**No. A-1-CA-40813**

**STATE OF NEW MEXICO,**

Plaintiff-Appellant,

v.

**GUSTAVO PUENTES PEREZ,**

Defendant-Appellee.

**APPEAL FROM THE DISTRICT COURT OF DOÑA ANA COUNTY  
Douglas R. Driggers, District Court Judge**

Raúl Torrez, Attorney General  
Maris Veidemanis, Assistant Attorney General  
Santa Fe, NM

for Appellant

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

for Appellee

**MEMORANDUM OPINION**

**DUFFY, Judge.**

{1} The State of New Mexico appeals the district court's order granting Defendant's motion for mistrial. We entered a notice of proposed disposition, proposing to affirm. The State filed a response stating that "it will not be filing a memorandum in opposition."  
[MIO 1]

{2} Accordingly, and for the reasons stated in our notice of proposed disposition, we affirm.

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

**MEGAN P. DUFFY, Judge**

**WE CONCUR:**

**JENNIFER L. ATTREP, Chief Judge**

**J. MILES HANISEE, Judge**