

STATE V. ADRIAN M.

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STATE OF NEW MEXICO,

Plaintiff-Appellee,

v.

ADRIAN M.,

Child-Appellant.

NO. 30,946

COURT OF APPEALS OF NEW MEXICO

April 25, 2012

APPEAL FROM THE DISTRICT COURT OF SAN JUAN COUNTY, Sandra A. Price,
District Judge

COUNSEL

Gary K. King, Attorney General, Andrew S. Montgomery, Assistant Attorney General,
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JUDGES

RODERICK T. KENNEDY, Judge. WE CONCUR: MICHAEL D. BUSTAMANTE, Judge,
JONATHAN B. SUTIN, Judge

AUTHOR: RODERICK T. KENNEDY

MEMORANDUM OPINION

KENNEDY, Judge.

Pursuant to a conditional plea agreement, Adrian M. (Child) appeals from the district court's denial of his motion to suppress. The State has filed an answer brief, conceding that the district court erred.

The State asserts several grounds upon which the officer's stop of Child was unlawful. We are not bound by the State's concessions. See *State v. Caldwell*, 2008-NMCA-049, ¶ 8, 143 N.M. 792, 182 P.3d 775 ("This Court, however, is not bound by the State's concession[,] and we conduct our own analysis.").

CONCLUSION

Upon our review, we accept the State's concession of error on the basis that the officer's stop of Child had no valid basis. For this reason, we reverse the district court's denial of Child's motion to suppress.

IT IS SO ORDERED.

RODERICK T. KENNEDY, Judge

WE CONCUR:

MICHAEL D. BUSTAMANTE, Judge

JONATHAN B. SUTIN, Judge