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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-41996

STATE OF NEW MEXICO,

Plaintiff-Appellant,

v.

**GERALD STINEBAUGH a/k/a
GERALD WINSTON STINEBAUGH,**

Defendant-Appellee.

**APPEAL FROM THE METROPOLITAN COURT OF BERNALILLO COUNTY
Maria I. Dominguez, Metropolitan Court Judge**

Raúl Torrez, Attorney General
Santa Fe, NM
Eric Orona, Assistant Solicitor General
Albuquerque, NM

for Appellant

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

for Appellee

MEMORANDUM OPINION

WRAY, Judge.

{1} Summary affirmance was proposed for the reasons stated in the notice of proposed summary disposition. Appellant has filed a notice with this Court informing us that it will not be filing a memorandum in opposition. No memorandum opposing the proposed disposition has been filed, and the time for doing so has expired. Accordingly, we rely on the reasoning contained in our notice of proposed disposition. **AFFIRMED.**

{2} IT IS SO ORDERED.

KATHERINE A. WRAY, Judge

WE CONCUR:

KRISTINA BOGARDUS, Judge

SHAMMARA H. HENDERSON, Judge