

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

Court of Appeals of New Mexico
Filed 1/17/2023 10:21 AM

2 **STATE OF NEW MEXICO,**

3 Plaintiff-Appellee,



Mark Reynolds

4 v.

No. A-1-CA-40236

5 **JOSE HERNANDEZ,**

6 Defendant-Appellant.

7 **APPEAL FROM THE METROPOLITAN COURT OF BERNALILLO**
8 **COUNTY**

9 **Michelle Renee Torres, Metropolitan Court Judge**

10 Raúl Torrez, Attorney General

11 Santa Fe, NM

12 Erica E. Schiff, Assistant Attorney General

13 Albuquerque, NM

14 for Appellee

15 Bennett J. Baur, Chief Public Defender

16 Kathleen T. Baldrige, Assistant Appellate Defender

17 Santa Fe, NM

18 for Appellant

19 **MEMORANDUM OPINION**

20 **ATTREP, Judge.**

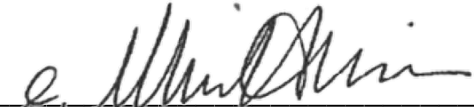
21 {1} Defendant appeals from a district court order revoking his probation. We
22 issued a second calendar notice proposing to affirm. Defendant has filed a response
23 indicating that he will not be filing a memorandum in opposition to our second
24 notice. Accordingly, we affirm the district court order. *See State v. Mondragon,*

1 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (observing that “[a] party
2 responding to a summary calendar notice must come forward and specifically point
3 out errors of law and fact”), *superseded by statute on other grounds as stated in State*
4 *v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374.

5 {2} **IT IS SO ORDERED.**

6 
7 **JENNIFER L. ATTREP, Judge**

8 **WE CONCUR:**

9 
10 **J. MILES HANISEE, Chief Judge**

11 
12 **ZACHARY A. JIVES, Judge**