

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

Court of Appeals of New Mexico
Filed 1/19/2023 10:03 AM

2 **STATE OF NEW MEXICO,**

3 Plaintiff-Appellee,

4 v.



Mark Reynolds

No. A-1-CA-40259

5 **RICKIE J. ABEYTA,**

6 Defendant-Appellant.

7 **APPEAL FROM THE DISTRICT COURT OF CIBOLA COUNTY**

8 **Amanda Sanchez Villalobos, District Court Judge**

9 Raúl Torrez, Attorney General

10 Santa Fe, NM

11 Michael J. Thomas, Assistant Attorney General

12 Albuquerque, NM

13 for Appellee

14 Bennett J. Baur, Chief Public Defender

15 Santa Fe, NM

16 Steven J. Forsberg, Assistant Public Defender

17 Albuquerque, NM

18 for Appellant

19 **MEMORANDUM OPINION**

20 **DUFFY, Judge.**

21 {1} Defendant appeals from the district court's order revoking his probation. On

22 appeal, in response to this Court's first proposed summary disposition, Defendant

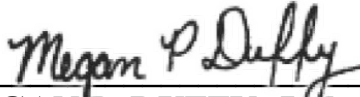
23 argued that the district court proceedings revoking his probation violated his due

24 process right to confrontation. This Court issued a second notice of proposed

1 disposition, proposing to reverse the district court. Now, the State has filed a
2 response to this second notice of proposed disposition and announced that it will not
3 file a memorandum in opposition.

4 {2} Accordingly, we rely on the reasoning contained in our second notice of
5 proposed disposition, and we reverse the revocation of Defendant's probation and
6 remand for further proceedings.

7 {3} **IT IS SO ORDERED.**

8 
9 _____
MEGAN P. DUFFY, Judge

10 **WE CONCUR:**

11 
12 _____
J. MILES HANISEE, Judge

13 
14 _____
KRISTINA BOGARGUS, Judge