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

2       **CITY OF FARMINGTON,**

3             Plaintiff-Appellee,

4       v.

**NO. 34,959**

5       **BERNADETTE FONTENELLE,**

6             Defendant-Appellant.

7       **APPEAL FROM THE DISTRICT COURT OF SAN JUAN COUNTY**

8       **Karen L. Townsend, District Judge**

9       City of Farmington

10       Jennifer Breakell

11       Farmington, NM

12       for Appellee

13       Harry Kassakhian

14       Irvine, CA

15       L. Helen Bennett

16       Albuquerque, NM

17       for Appellant

18                                       **MEMORANDUM OPINION**

19       **KENNEDY, Judge.**

1 {1} Appellant Bernadette Fontenelle (Defendant) appeals her conviction for first  
2 aggravated DWI (refusal). [RP 132] Our notice proposed to affirm, and in response  
3 Defendant filed a “notice of intent not to file a memorandum in opposition to  
4 proposed summary affirmance.” Accordingly, for the reasons extensively detailed in  
5 our notice, we affirm.

6 {2} **IT IS SO ORDERED.**

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**RODERICK T. KENNEDY, Judge**

9 **WE CONCUR:**

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**MICHAEL E. VIGIL, Chief Judge**

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**JAMES J. WECHSLER, Judge**