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

2 **STATE OF NEW MEXICO,**

3 Plaintiff-Appellee,

4 v.

NO. 33,886

5 **ROGELIO CASTRO,**

6 Defendant-Appellant.

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

8 **Jerry H Ritter Jr., District Judge**

9 Hector H. Balderas, Attorney General

10 Santa Fe, NM

11 for Appellee

12 Jorge A. Alvarado, Chief Public Defender

13 Sergio Viscoli, Assistant Appellate Defender

14 B. Douglas Wood III, Assistant Appellate Defender

15 Santa Fe, NM

16 for Appellant

17 **MEMORANDUM OPINION**

18 **VANZI, Judge.**

1 {1} Defendant has appealed from the revocation of his probation. We previously
2 issued a notice of proposed summary disposition in which we proposed to uphold the
3 district court's decision. Defendant has filed a memorandum in opposition, which we
4 have duly considered. Because we remain unpersuaded by Defendant's assertions of
5 error, we affirm.

6 {2} Defendant has raised a single issue, challenging the district court's
7 determination that he is not entitled to good time credit on the probation that he was
8 serving concurrently with in-house parole. In the notice of proposed summary
9 disposition we opined that this Court's recent decision in *State v. Ortiz*, ___-NMCA-
10 ___, ___ P.3d ___ (No. 31,049, Nov. 13, 2014), provides clear and direct support for
11 the district court's decision.

12 {3} In the memorandum in opposition Defendant concedes that *Ortiz* is on point.
13 [MIO 4] However, we understand Defendant to take the position that *Ortiz* was
14 wrongly decided. [MIO 4-9] To the extent that Defendant invites the Court to
15 reconsider or overturn *Ortiz*, we decline to do so.

16 {4} Accordingly, for the foregoing reasons, as well as the reasons set forth in the
17 notice of proposed summary disposition, we affirm.

18 {5} **IT IS SO ORDERED.**

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LINDA M. VANZI, Judge

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WE CONCUR:

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MICHAEL E. VIGIL, Chief Judge

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J. MILES HANISEE, Judge