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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. 33,976

5 **BENJAMIN DIMAS,**

6 Defendant-Appellant.

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

8 **Ross C. Sanchez, District Judge**

9 Hector H. Balderas, Attorney General

10 Santa Fe, NM

11 for Appellee

12 Law Offices of the Public Defender

13 Jorge A. Alvarado, Chief Public Defender

14 Santa Fe, NM

15 Steven J. Forsberg, Assistant Appellate Defender

16 Albuquerque, NM

17 for Appellant

18 **MEMORANDUM OPINION**

19 **VANZI, Judge.**

1 {1} Summary affirmance was proposed for the reasons stated in the notice of
2 proposed summary disposition. No memorandum opposing summary affirmance has
3 been filed and the time for doing so has expired.

4 {2} AFFIRMED.

5 {3} **IT IS SO ORDERED.**

6 _____
7 **LINDA M. VANZI, Judge**

8 **WE CONCUR:**

9 _____
10 **RODERICK T. KENNEDY, Chief Judge**

11 _____
12 **JONATHAN B. SUTIN, Judge**