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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. 34,202**

5 **RAYMOND DOLIBER,**

6           Defendant-Appellant.

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

8 **Benjamin Chavez, District Judge**

9 Hector H. Balderas, Attorney General

10 Santa Fe, NM

11 for Appellee

12 Jorge A. Alvarado, Chief Public Defender

13 Steven J. Forsberg, Assistant Appellate Defender

14 Santa Fe, NM

15 for Appellant

16   **MEMORANDUM OPINION**

17 **BUSTAMANTE, Judge.**

1 {1} Defendant appeals his conviction in metropolitan court for battery upon a  
2 household member. The district court affirmed his conviction in a well-reasoned  
3 opinion, and we issued a notice of proposed disposition proposing to adopt the district  
4 court's reasoning as our own. In response, Defendant has filed a memorandum in  
5 opposition that presents no new argument or evidence. Therefore, for the reasons  
6 stated in the district court opinion, Defendant's conviction is affirmed.

7 {2} We note that Defendant asks this Court to recognize that he remains free to  
8 pursue relief via a petition for habeas corpus. As Defendant argues, our Supreme  
9 Court has indicated this proposition is true. *See State v. Arrendondo*, 2012-NMSC-  
10 013, ¶ 44, 278 P.3d 517 (raising ineffective assistance claim on direct appeal does not  
11 preclude defendant from subsequently pursuing habeas corpus action during which  
12 more facts can be developed).

13 {3} Finally, we point out that the memorandum in opposition that was submitted to  
14 this Court for filing is not signed by appellate counsel, nor is the certificate of service  
15 signed or dated. We presume this was a clerical error and that the original signed  
16 pleading remains in appellate counsel's possession. Counsel is hereby directed to file  
17 the signed original, containing a signed and dated certificate of service, with this Court  
18 within ten days of the date of this opinion.

19 {4} **IT IS SO ORDERED.**

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**MICHAEL D. BUSTAMANTE, Judge**

4 **WE CONCUR:**

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6 **MICHAEL E. VIGIL, Chief Judge**

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8 **LINDA M. VANZI, Judge**