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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. 34,389

5 **DUSTIN EAST,**

6 Defendant-Appellant.

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

8 **Steven L. Bell, District Judge**

9 Hector H. Balderas, Attorney General

10 Santa Fe, NM

11 M. Anne Kelly, Assistant Attorney General

12 Albuquerque, NM

13 for Appellee

14 Jorge A. Alvarado, Chief Public Defender

15 Allison H. Jaramillo, Assistant Appellate Defender

16 Santa Fe, NM

17 for Appellant

18 **MEMORANDUM OPINION**

19 **GARCIA, Judge.**

1 {1} Defendant is appealing from a district court order revoking his probation. We
2 issued a second calendar notice continuing to propose to affirm on the sole issue
3 raised in the docketing statement, relating to pre-sentence confinement credit. We
4 granted Defendant's motion amend the docketing statement to add a challenge to the
5 length of parole imposed in the judgment, and we proposed to reverse on that issue.
6 Defendant has filed a notice indicating that he will not file a memorandum in
7 opposition. [Ct. App. file at purple clip] The State has filed a response indicating that
8 it agrees with our analysis on the parole issue. Accordingly, we reverse on the length
9 of parole issue, and we affirm the appeal in all other respects.

10 **IT IS SO ORDERED.**

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TIMOTHY L. GARCIA, Judge

13 **WE CONCUR:**

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JONATHAN B. SUTIN, Judge

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RODERICK T. KENNEDY, Judge