

1 has filed a memorandum in opposition, which we have duly considered. Because we
2 remain unpersuaded by Defendant's assertions of error, we uphold the revocation of
3 Defendant's probation.

4 {2} The pertinent background information was previously set forth in the notice of
5 proposed summary disposition. We will avoid undue reiteration here, focusing instead
6 on the content of the memorandum in opposition.

7 {3} Defendant renews his argument that the State failed to prove that he violated
8 the terms and conditions of his probation. [MIO 5-6] However, as we previously
9 observed, the State met its burden of proof by presenting the testimony of Defendant's
10 probation officer, establishing that Defendant failed to report as required. [MIO 5]
11 This is sufficient to support the revocation of Defendant's probation. *See, e.g., State*
12 *v. Jimenez*, 2003-NMCA-026, ¶¶ 5, 10-11, 17, 133 N.M. 349, 62 P.3d 1231
13 (observing that the probation officer's testimony that the defendant had failed to report
14 was sufficient to support the revocation of his probation), *rev'd on other grounds*,
15 2004-NMSC-012, 135 N.M. 442, 90 P.3d 461. Defendant's assertions to the contrary
16 do not require a different result. [MIO 5]

17 {4} In his memorandum in opposition Defendant further argues that the State failed
18 to present sufficient evidence to establish another of the alleged violations, concerning
19 the non-payment of fees and costs. [MIO 6] However, in light of the sufficiency of the

1 evidence to establish the previously discussed violation, this is immaterial. *See State*
2 *v. Leon*, 2013-NMCA-011, ¶ 37, 292 P.3d 493 (“[A]lthough [the d]efendant
3 challenges the sufficiency of the evidence supporting each of his probation violations,
4 if there is sufficient evidence to support just one violation, we will find the district
5 court’s order was proper.”).

6 {5} Accordingly, for the reasons stated above and in the notice of proposed
7 summary disposition, we affirm.

8 {6} **IT IS SO ORDERED.**

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J. MILES HANISEE, Judge

11 **WE CONCUR:**

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13 **LINDA M. VANZI, Chief Judge**

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15 **STEPHEN G. FRENCH, Judge**