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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. A-1-CA-36639**

5           **MICHAEL HAMMOND,**

6                 Defendant-Appellant.

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

8           **Lisa B. Riley, District Judge**

9           Hector H. Balderas, Attorney General

10           Santa Fe, NM

11           for Appellee

12           Bennett J. Baur, Chief Public Defender

13           Kathleen T. Baldridge, Assistant Appellate Defender

14           Santa Fe, NM

15           for Appellant

16                                 **MEMORANDUM OPINION**

17           **HANISEE, Judge.**

18           {1}       Defendant appeals from the revocation of his probation. We previously issued

19           a notice of proposed summary disposition in which we proposed to affirm. Defendant

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.**

9  
10 \_\_\_\_\_  
**J. MILES HANISEE, Judge**

11 **WE CONCUR:**

12 \_\_\_\_\_  
13 **LINDA M. VANZI, Chief Judge**

14 \_\_\_\_\_  
15 **STEPHEN G. FRENCH, Judge**