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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-37014**

5       **HAROLD NESS,**

6             Defendant-Appellant.

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

8       **Mercedes C. Murphy, District Judge**

9       Hector H. Balderas, Attorney General

10       Santa Fe, NM

11       for Appellee

12       Harold Ness

13       Moriarty, NM

14       Pro Se Appellant

15                                       **MEMORANDUM OPINION**

16       **HANISEE, Judge.**

17       {1}       Summary affirmance was proposed for the reasons stated in the notice of  
18       proposed summary disposition. No memorandum opposing summary affirmance has  
19       been filed and the time for doing so has expired.

1 {2} **AFFIRMED.**

2 {3} **IT IS SO ORDERED.**

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**J. MILES HANISEE, Judge**

5 **WE CONCUR:**

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7 **HENRY M. BOHNHOFF, Judge**

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9 **JENNIFER L. ATTREP, Judge**