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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. 32,289

5 **ANTHONY KILBY,**

6 Defendant-Appellant.

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

8 **Denise Barela Shepherd, District Judge**

9 Gary K. King, Attorney General

10 Santa Fe, NM

11 for Appellee

12 Michael Romeo Demarco

13 McIntosh, NM

14 for Appellant

15 **MEMORANDUM OPINION**

16 **CASTILLO, Judge.**

1 Summary affirmance was proposed for the reasons stated in the notice of
2 proposed disposition. No memorandum opposing summary affirmance has been filed,
3 and the time for doing so has expired.

4 Affirmed.

5 **IT IS SO ORDERED.**

6
7

 CELIA FOY CASTILLO, Chief Judge

8 **WE CONCUR:**

9
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 MICHAEL D. BUSTAMANTE, Judge

11
12

 J. MILES HANISEE, Judge