

STATE V. CASTRO

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STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
ROGELIO CASTRO,
Defendant-Appellant.

No. 33,886

COURT OF APPEALS OF NEW MEXICO

February 12, 2015

APPEAL FROM THE DISTRICT COURT OF OTERO COUNTY, Jerry H Ritter Jr.,
District Judge

COUNSEL

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Jorge A. Alvarado, Chief Public Defender, Sergio Viscoli, Assistant Appellate Defender,
B. Douglas Wood III, Assistant Appellate Defender, Santa Fe, NM, for Appellant

JUDGES

LINDA M. VANZI, Judge. WE CONCUR: MICHAEL E. VIGIL, Chief Judge, J. MILES
HANISEE, Judge

AUTHOR: LINDA M. VANZI

MEMORANDUM OPINION

VANZI, Judge.

{1} Defendant has appealed from the revocation of his probation. We previously issued a notice of proposed summary disposition in which we proposed to uphold the district court's decision. Defendant has filed a memorandum in opposition, which we

have duly considered. Because we remain unpersuaded by Defendant's assertions of error, we affirm.

{2} Defendant has raised a single issue, challenging the district court's determination that he is not entitled to good time credit on the probation that he was serving concurrently with in-house parole. In the notice of proposed summary disposition we opined that this Court's recent decision in *State v. Ortiz*, ___-NMCA-___, ___ P.3d ___ (No. 31,049, Nov. 13, 2014), provides clear and direct support for the district court's decision.

{3} In the memorandum in opposition Defendant concedes that *Ortiz* is on point. [MIO 4] However, we understand Defendant to take the position that *Ortiz* was wrongly decided. [MIO 4-9] To the extent that Defendant invites the Court to reconsider or overturn *Ortiz*, we decline to do so.

{4} Accordingly, for the foregoing reasons, as well as the reasons set forth in the notice of proposed summary disposition, we affirm.

{5} **IT IS SO ORDERED.**

LINDA M. VANZI, Judge

WE CONCUR:

MICHAEL E. VIGIL, Chief Judge

J. MILES HANISEE, Judge