

STATE V. EAST

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STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
DUSTIN EAST,
Defendant-Appellant.

NO. 34,389

COURT OF APPEALS OF NEW MEXICO

September 22, 2015

APPEAL FROM THE DISTRICT COURT OF CHAVES COUNTY, Steven L. Bell,
District Judge

COUNSEL

Hector H. Balderas, Attorney General, Santa Fe, NM, M. Anne Kelly, Assistant Attorney General, Albuquerque, NM, for Appellee

Jorge A. Alvarado, Chief Public Defender, Allison H. Jaramillo, Assistant Appellate Defender, Santa Fe, NM, for Appellant

JUDGES

TIMOTHY L. GARCIA, Judge. WE CONCUR: JONATHAN B. SUTIN, Judge,
RODERICK T. KENNEDY, Judge

AUTHOR: TIMOTHY L. GARCIA

MEMORANDUM OPINION

GARCIA, Judge.

{1} Defendant is appealing from a district court order revoking his probation. We issued a second calendar notice continuing to propose to affirm on the sole issue raised

in the docketing statement, relating to pre-sentence confinement credit. We granted Defendant's motion amend the docketing statement to add a challenge to the length of parole imposed in the judgment, and we proposed to reverse on that issue. Defendant has filed a notice indicating that he will not file a memorandum in opposition. [Ct. App. file at purple clip] The State has filed a response indicating that it agrees with our analysis on the parole issue. Accordingly, we reverse on the length of parole issue, and we affirm the appeal in all other respects.

IT IS SO ORDERED.

TIMOTHY L. GARCIA, Judge

WE CONCUR:

JONATHAN B. SUTIN, Judge

RODERICK T. KENNEDY, Judge