

STATE V. OLGUIN

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STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
THEODORE O. OLGUIN,
Defendant-Appellant.

No. 31,659

COURT OF APPEALS OF NEW MEXICO

February 2, 2012

APPEAL FROM THE DISTRICT COURT OF EDDY COUNTY, Richard Brown, District
Judge

COUNSEL

Gary K. King, Attorney General, Santa Fe, NM, for Appellee

Jacqueline Cooper, Chief Public Defender, J. K. Theodosia Johnson, Assistant
Appellate Defender, Santa Fe, NM, for Appellant

JUDGES

MICHAEL D. BUSTAMANTE, Judge. WE CONCUR: CYNTHIA A. FRY, Judge,
MICHAEL E. VIGIL, Judge

AUTHOR: MICHAEL D. BUSTAMANTE

MEMORANDUM OPINION

BUSTAMANTE, Judge.

Defendant appeals from an order revoking his probation and imposing judgment and sentence. We proposed to affirm in a notice of proposed summary disposition. Defendant has filed a timely memorandum in opposition. After reviewing Defendant's

memorandum in opposition, we remain unpersuaded and thus affirm the order revoking his probation and imposing judgment and sentence.

In his docketing statement, Defendant challenged the sufficiency of the evidence to support the district court's finding that he violated the terms of his probation. *See State v. Sanchez*, 2001-NMCA-060, ¶ 11, 130 N.M. 602, 28 P.3d 1143 (stating that, in a probation revocation proceeding, the State bears the burden of establishing a violation with reasonable certainty). In our notice, we reviewed the evidence introduced at the probation revocation hearing and proposed to affirm. In his memorandum in opposition, Defendant has failed to challenge our review of the evidence presented or the analysis contained in our proposed disposition. Therefore, for the reasons set forth in our notice of proposed summary disposition, we affirm the district court's order revoking Defendant's probation and imposing judgment and sentence.

IT IS SO ORDERED.

MICHAEL D. BUSTAMANTE, Judge

WE CONCUR:

CYNTHIA A. FRY, Judge

MICHAEL E. VIGIL, Judge