

STATE V. SANCHEZ

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**STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
ADAM B. SANCHEZ,
Defendant-Appellant.**

No. 36,195

COURT OF APPEALS OF NEW MEXICO

June 20, 2017

APPEAL FROM THE DISTRICT COURT OF CURRY COUNTY, Donna J. Mowrer,
District Judge

COUNSEL

Hector H. Balderas, Attorney General, Santa Fe, NM, for Appellee

Bennett J. Baur, Chief Public Defender, Kathleen T. Baldrige, Assistant Appellate Defender, Santa Fe, NM, for Appellant

JUDGES

J. MILES HANISEE, Judge. WE CONCUR: JAMES J. WECHSLER, Judge, JONATHAN B. SUTIN, Judge

AUTHOR: J. MILES HANISEE

MEMORANDUM OPINION

HANISEE, Judge.

{1} Defendant appeals from the revocation of his probation. We previously issued a notice of proposed summary disposition in which we proposed to affirm. Defendant has filed a memorandum in opposition, which we have duly considered. Because we remain

unpersuaded by Defendant's assertion of error, we uphold the revocation of Defendant's probation.

{2} The pertinent background information was previously set forth. We will avoid undue reiteration here, focusing instead on the content of the memorandum in opposition.

{3} Defendant continues to argue that the district court lacked jurisdiction to order sex offender supervision while he was on probation. [MIO 4] However, the district court's clarification that Defendant was subject to supervision as a sex offender did not actually represent a modification of the terms of his probation. [MIO 4] And in any event, in light of the probation authority's ability to impose such a requirement pursuant to the standard conditions, no action on the part of the district court was required. *See State v. Green*, 2015-NMCA-007, ¶¶ 10-14, 341 P.3d 10 (rejecting a challenge to the authority of the department of corrections to condition a probationer's release upon his being party to a sex offender behavior contract, notwithstanding the absence of any specific provision within the district court's judgment and sentence to that effect); *State v. Leon*, 2013-NMCA-011, ¶¶ 21, 24, 292 P.3d 493 (holding that a district court's enumeration of a special probationary condition requiring the defendant to "comply with any other reasonable condition specified by the Probation and Parole Division[,] " was sufficient to support the placement of a defendant on sex offender supervision). We therefore reject Defendant's jurisdictional challenge.

{4} Accordingly, for the reasons stated above and in the notice of proposed summary disposition, we affirm.

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

J. MILES HANISEE, Judge

WE CONCUR:

JAMES J. WECHSLER, Judge

JONATHAN B. SUTIN, Judge