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**IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

**No. A-1-CA-38472**

**STATE OF NEW MEXICO,**

Plaintiff-Appellee,

v.

**JOHNATHON J. MARTINEZ,  
a/k/a JONATHON J. MARTINEZ,  
a/k/a JONATHAN MARTINEZ,**

Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT OF QUAY COUNTY  
Albert J. Mitchell, Jr., District Judge**

Hector H. Balderas, Attorney General  
Santa Fe, NM

for Appellee

Bennett J. Baur, Chief Public Defender  
Kimberly M. Chavez Cook, Assistant Appellate Defender  
Santa Fe, NM

for Appellant

**MEMORANDUM OPINION**

**VARGAS, Judge.**

{1} Defendant appeals the revocation of his probation. We issued a notice of proposed summary disposition proposing to reverse in part and affirm in part. Both the State and Defendant have filed responses indicating that they do not oppose our proposed summary disposition of the issues.

**{2}** Accordingly, for the reasons set out in our notice of proposed summary disposition, we reverse the revocation of Defendant's probation and remand this case to the district court for further proceedings.

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

**JULIE J. VARGAS, Judge**

**WE CONCUR:**

**JENNIFER L. ATTREP, Judge**

**ZACHARY A. IVES, Judge**