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

**No. A-1-CA-40259**

**STATE OF NEW MEXICO,**

Plaintiff-Appellee,

v.

**RICKIE J. ABEYTA,**

Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT OF CIBOLA COUNTY  
Amanda Sanchez Villalobos, District Court Judge**

Raúl Torrez, Attorney General  
Santa Fe, NM  
Michael J. Thomas, Assistant Attorney General  
Albuquerque, NM

for Appellee

Bennett J. Baur, Chief Public Defender  
Santa Fe, NM  
Steven J. Forsberg, Assistant Public Defender  
Albuquerque, NM

for Appellant

**MEMORANDUM OPINION**

**DUFFY, Judge.**

{1} Defendant appeals from the district court's order revoking his probation. On appeal, in response to this Court's first proposed summary disposition, Defendant argued that the district court proceedings revoking his probation violated his due process right to confrontation. This Court issued a second notice of proposed disposition, proposing to reverse the district court. Now, the State has filed a response

to this second notice of proposed disposition and announced that it will not file a memorandum in opposition.

**{2}** Accordingly, we rely on the reasoning contained in our second notice of proposed disposition, and we reverse the revocation of Defendant's probation and remand for further proceedings.

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

**MEGAN P. DUFFY, Judge**

**WE CONCUR:**

**J. MILES HANISEE, Judge**

**KRISTINA BOGARDUS, Judge**