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

**No. A-1-CA-40841**

**STATE OF NEW MEXICO,**

Plaintiff-Appellee,

v.

**RAYMON BURCIAGA,**

Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT OF DOÑA ANA COUNTY**  
**Richard M. Jacquez, District Court Judge**

Raúl Torrez, Attorney General  
Benjamin L. Lammons, Assistant Attorney General  
Santa Fe, NM

for Appellee

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

for Appellant

**MEMORANDUM OPINION**

**DUFFY, Judge.**

{1} Defendant appeals an order of the district court determining that he was a fugitive and could therefore be denied credit for time served on probation. This Court issued a notice of proposed disposition, proposing to reverse the district court. The State has filed a timely notice of intent not to file a memorandum in opposition. Accordingly, for the reasons stated in our notice of proposed disposition, we reverse the district court.

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

**MEGAN P. DUFFY, Judge**

**WE CONCUR:**

**SHAMMARA H. HENDERSON, Judge**

**JANE B. YOHALEM, Judge**