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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-40832

**IN THE MATTER OF THE DIRECT
CRIMINAL CONTEMPT OF ALAN
H. MAESTAS,**

Attorney-Appellant.

**APPEAL FROM THE DISTRICT COURT OF UNION COUNTY
Melissa A. Kennelly, District Court Judge**

Kathryn J. Hardy Law, LLC
Kathryn J. Hardy
Taos, NM

for Appellant

MEMORANDUM OPINION

DUFFY, Judge.

{1} Appellant appeals from the district court's order of contempt. On appeal, Appellant asserts the district court erred in proceeding with sentencing without the presence of the prosecutor and by imposing an excessive sentence. This Court issued a notice of proposed disposition, proposing to affirm. In response, Appellant filed a notice of intent not to file a memorandum in opposition. Therefore, in the absence of opposition and for the reasons outlined in our notice of proposed disposition, we affirm. See *Frick v. Veazey*, 1993-NMCA-119, ¶ 2, 116 N.M. 246, 861 P.2d 287 ("Failure to file a memorandum in opposition constitutes acceptance of the disposition proposed in the calendar notice.").

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

MEGAN P. DUFFY, Judge

WE CONCUR:

JANE B. YOHALEM, Judge

KATHERINE A. WRAY, Judge