

<b>STATE V. HERVOL</b>
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**STATE OF NEW MEXICO,**  
Plaintiff-Appellee,  
**v.**  
**JONATHAN DAVID HERVOL,**  
Defendant-Appellant.

No. 32,018

COURT OF APPEALS OF NEW MEXICO

May 15, 2013

APPEAL FROM THE DISTRICT COURT OF LUNA COUNTY, Gary M. Jeffreys, District  
Judge

**COUNSEL**

Gary K. King, Attorney General, Aan M. Harvey, Assistant Attorney General, Santa Fe,  
NM, for Appellee

Charles E. Knoblauch, Albuquerque, NM, for Appellant

**JUDGES**

CYNTHIA A. FRY, Judge. WE CONCUR: LINDA M. VANZI, Judge, M. MONICA  
ZAMORA, Judge

**AUTHOR:** CYNTHIA A. FRY

**MEMORANDUM OPINION**

**FRY, Judge.**

{1} Defendant appeals from the district court's judgment and sentence revoking his probation. This Court issued a calendar notice proposing to summarily reverse Defendant's probation revocation. The State has filed a response to this Court's notice

of proposed disposition, stating that it does not oppose this Court's proposed disposition. Accordingly, for the reasons stated in this Court's notice of proposed disposition, we reverse the district court's judgment and sentence revoking Defendant's probation.

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

**CYNTHIA A. FRY, Judge**

**WE CONCUR:**

**LINDA M. VANZI, Judge**

**M. MONICA ZAMORA, Judge**