

**STATE V. KILBY**

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**STATE OF NEW MEXICO,**  
Plaintiff-Appellee,  
v.  
**ANTHONY KILBY,**  
Defendant-Appellant.

No. 32,289

COURT OF APPEALS OF NEW MEXICO

October 31, 2012

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Denise Barela  
Shepherd, District Judge

**COUNSEL**

Gary K. King, Attorney General, Santa Fe, NM, for Appellee

Michael Romeo Demarco, McIntosh, NM, for Appellant

**JUDGES**

CELIA FOY CASTILLO, Chief Judge. WE CONCUR: MICHAEL D. BUSTAMANTE,  
Judge, J. MILES HANISEE, Judge

**AUTHOR:** CELIA FOY CASTILLO

**MEMORANDUM OPINION**

**CASTILLO, Judge.**

Summary affirmance was proposed for the reasons stated in the notice of proposed disposition. No memorandum opposing summary affirmance has been filed, and the time for doing so has expired.

Affirmed.

**IT IS SO ORDERED.**

**CELIA FOY CASTILLO, Chief Judge**

**WE CONCUR:**

**MICHAEL D. BUSTAMANTE, Judge**

**J. MILES HANISEE, Judge**