STATE OF NEW MEXICO,
Plaintiffs-Appellees,
v.
JUAN VENEGAS,
Defendant-Appellant.

No. 34,565

COURT OF APPEALS OF NEW MEXICO

November 4, 2015

APPEAL FROM THE DISTRICT COURT OF OTERO COUNTY, James Waylon Counts, District Judge

COUNSEL

Hector H. Balderas, Attorney General, Santa Fe, NM, M. Anne Kelly, Assistant Attorney General, Albuquerque, NM, for Appellee

Jorge A. Alvarado, Chief Public Defender, Santa Fe, NM, Nina Lalevic, Assistant Public Defender, Santa Fe, NM, for Appellant

JUDGES

MICHAEL E. VIGIL, Judge. WE CONCUR: JONATHAN B. SUTIN, Judge, RODERICK T. KENNEDY, Judge

AUTHOR: MICHAEL E. VIGIL

MEMORANDUM OPINION

VIGIL, Judge.

Defendant has appealed from the revocation of his probation. We previously issued a notice of proposed summary disposition, proposing to affirm as to the revocation, but to

reverse and remand the as to the sentence in light of an apparent *Linam* sequencing problem. Both Defendant and the State have filed responsive memoranda. With respect to the revocation, Defendant continues to oppose to our proposed analysis, but presents nothing new in the way of argument or authority. We therefore adhere to our initial assessment of this matter. With respect to the sentence, both Defendant and the State have expressed agreement with our proposal to reverse and remand for correction.

Accordingly, for the reasons previously stated, we affirm the revocation of Defendant's probation, but reverse the sentence, and remand for further proceedings consistent herewith.

IT IS SO ORDERED.

MICHAEL E. VIGIL, Judge

WE CONCUR:

JONATHAN B. SUTIN, Judge

RODERICK T. KENNEDY, Judge