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

**No. A-1-CA-37775**

**STATE OF NEW MEXICO,**

Plaintiff-Appellee,

v.

**TEOFILO CHAVEZ,**

Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT OF QUAY COUNTY  
Albert J. Mitchell, Jr. , District Judge**

Hector H. Balderas, Attorney General  
Santa Fe, NM

for Appellee

Dean E. Border  
Albuquerque, NM

for Appellant

**MEMORANDUM OPINION**

**VARGAS, Judge.**

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

{2} AFFIRMED.

{3} IT IS SO ORDERED.

**JULIE J. VARGAS, Judge**

**WE CONCUR:**

**MEGAN P. DUFFY, Judge**

**ZACHARY A. IVES, Judge**