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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-39341

STATE OF NEW MEXICO,

Plaintiff-Appellant,

v.

KEITH VOLLENWEIDER,

Defendant-Appellee.

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

Hector H. Balderas, Attorney General
Cole P. Wilson, Assistant Attorney General
Santa Fe, NM

for Appellant

Law Offices of Michael L. Stout
Michael L. Stout
Las Cruces, NM

for Appellee

MEMORANDUM OPINION

MEDINA, Judge.

{1} The State appeals from an amended judgment and sentence, entered after Defendant pled guilty to sexual exploitation of children (possession); the original judgment was amended to award Defendant 1058 days of presentence confinement credit. The State appealed the award of credit, and we issued a calendar notice proposing to affirm. The State has responded with a memorandum in opposition. We affirm.

{2} Without reiterating the analysis in our calendar notice, we note that we relied on *State v. Hansen*, 2021-NMCA-048, ¶ 32, 495 P.3d 1173, and *State v. Duhon*, 2005-NMCA-120, ¶¶ 3, 10-13, 138 N.M. 466, 122 P.3d 50, which held that credit should be awarded where a violation of conditions of release would subject a defendant to prosecution for escape from a community custody release program under NMSA 1978, Section 30-22-8.1 (1999). The State's memorandum in opposition asks that we revisit *Hansen* and *Duhon*. We decline the State's invitation. Accordingly, we affirm the district court.

{3} IT IS SO ORDERED.

JACQUELINE R. MEDINA, Judge

WE CONCUR:

MEGAN P. DUFFY, Judge

ZACHARY A. IVES, Judge