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

**No. A-1-CA-40236**

**STATE OF NEW MEXICO,**

Plaintiff-Appellee,

v.

**JOSE HERNANDEZ,**

Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY  
Clara Moran, District Court Judge**

Raúl Torrez, Attorney General  
Santa Fe, NM  
Erica E. Schiff, Assistant Attorney General  
Albuquerque, NM

for Appellee

Bennett J. Baur, Chief Public Defender  
Kathleen T. Baldrige, Assistant Appellate Defender  
Santa Fe, NM

for Appellant

**MEMORANDUM OPINION**

**ATTREP, Judge.**

{1} Defendant appeals from a district court order revoking his probation. We issued a second calendar notice proposing to affirm. Defendant has filed a response indicating that he will not be filing a memorandum in opposition to our second notice. Accordingly, we affirm the district court order. *See State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (observing that “[a] party responding to a summary calendar notice must come forward and specifically point out errors of law and fact”), *superseded*

*by statute on other grounds as stated in State v. Harris, 2013-NMCA-031, ¶ 3, 297 P.3d 374.*

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

**JENNIFER L. ATTREP, Judge**

**WE CONCUR:**

**J. MILES HANISEE, Chief Judge**

**ZACHARY A. IVES, Judge**