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

**No. A-1-CA-42299**

**STATE OF NEW MEXICO,**

Plaintiff-Appellee,

v.

**ANGELA CARPENTER,**

Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT OF LEA COUNTY**

**Lee A. Kirksey, District Court Judge**

Raúl Torrez, Attorney General  
Santa Fe, NM

for Appellee

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

for Appellant

**MEMORANDUM OPINION**

**HANISEE, Judge.**

{1} Defendant appeals from the district court's order revoking her probation. This Court issued a calendar notice proposing to summarily affirm. Defendant filed a memorandum in opposition that we have duly considered. Unpersuaded that the district court abused its discretion or otherwise committed reversible error, we affirm.

{2} Defendant continues to maintain that the district court erred when it revoked her probation because the evidence was insufficient to establish that her failure to report to probation was willful. [MIO 1, 3-6] Defendant's memorandum in opposition has not

asserted any fact, law, or argument that persuades us that our notice of proposed disposition was erroneous. See *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating that “[a] party responding to a summary calendar notice must come forward and specifically point out errors of law and fact,” and the repetition of earlier arguments does not fulfill this requirement), *superseded by statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374. As a result, Defendant’s memorandum in opposition is not persuasive that this Court’s proposed summary disposition was in error and does not otherwise impact our proposed disposition of this case. See *Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683 (“Our courts have repeatedly held that, in summary calendar cases, the burden is on the party opposing the proposed disposition to clearly point out errors in fact or law.”). Accordingly, for the reasons stated in our notice of proposed disposition and herein, we affirm.

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

**J. MILES HANISEE, Judge**

**WE CONCUR:**

**JACQUELINE R. MEDINA, Chief Judge**

**JANE B. YOHALEM, Judge**