

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

Court of Appeals of New Mexico
Filed 2/6/2023 9:47 AM

2 **STATE OF NEW MEXICO,**

3 Plaintiff-Appellee,

4 v.

5 **FRANK EDWARD CRAFT,**

6 Defendant-Appellant.

7 **APPEAL FROM THE DISTRICT COURT OF CHAVES COUNTY**

8 **James M. Hudson, District Court Judge**

9 Raúl Torrez, Attorney General

10 Santa Fe, NM

11 for Appellee

12 Bennett J. Baur, Chief Public Defender

13 Kathleen T. Baldrige, Assistant Appellate Defender

14 Santa Fe, NM

15 for Appellant

16 **MEMORANDUM OPINION**

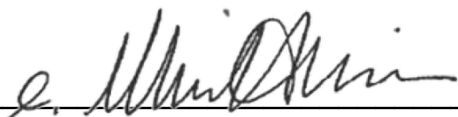
17 **HANISEE, Judge.**

18 {1} Defendant appeals the district court's order revoking his probation. In this
19 Court's notice of proposed disposition, we proposed to summarily affirm. Defendant
20 filed a memorandum in opposition, which we have duly considered. Remaining
21 unpersuaded, we affirm.

1 {2} In his memorandum in opposition, Defendant maintains that there is
2 insufficient evidence to revoke his probation. [MIO 4] Defendant has failed,
3 however, to assert any new facts, law, or argument that persuade this Court that our
4 notice of proposed disposition was erroneous. *See Hennessy v. Duryea*, 1998-
5 NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683 (“Our courts have repeatedly held
6 that, in summary calendar cases, the burden is on the party opposing the proposed
7 disposition to clearly point out errors in fact or law.”); *State v. Mondragon*, 1988-
8 NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating that a party responding to
9 a summary calendar notice must come forward and specifically point out errors of
10 law and fact, and the repetition of earlier arguments does not fulfill this requirement),
11 *superseded by statute on other grounds as stated in State v. Harris*, 2013-NMCA-
12 031, ¶ 3, 297 P.3d 374. We therefore refer Defendant to our analysis therein.

13 {3} Accordingly, for the reasons stated in our notice of proposed disposition and
14 herein, we affirm the revocation of Defendant’s probation.

15 {4} **IT IS SO ORDERED.**

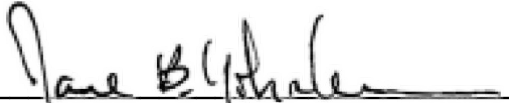
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J. MILES HANISEE, Judge

1 **WE CONCUR:**

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3 **JENNIFER L. ATTREP, Chief Judge**

4 

5 **JANE B. YOHALEM, Judge**