

<b>STATE V. ARCHULETA</b>
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**STATE OF NEW MEXICO,  
Plaintiff-Appellee,  
v.  
AMANDA ARCHULETA,  
Defendant-Appellant.**

NO. 34,699

COURT OF APPEALS OF NEW MEXICO

October 27, 2015

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Christina  
Argyres, District Judge

**COUNSEL**

Hector H. Balderas, Attorney General, Santa Fe, NM, for Appellee

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Public Defender, Albuquerque, NM, for Appellant

**JUDGES**

M. MONICA ZAMORA, Judge. WE CONCUR: JAMES J. WECHSLER, Judge,  
RODERICK T. KENNEDY, Judge

**AUTHOR:** M. MONICA ZAMORA

**MEMORANDUM OPINION**

**ZAMORA, Judge.**

{1} Defendant has appealed from the revocation of her probation. We previously issued a notice of proposed summary disposition in which we proposed to uphold the

district court's decision. Defendant has filed a memorandum in opposition. After due consideration, we remain unpersuaded. We therefore affirm.

{2} The pertinent background information was previously set forth in the notice of proposed summary disposition. We will avoid undue repetition here, and focus instead on the content of the memorandum in opposition.

{3} Defendant continues to argue that the district court abused its discretion by revoking her probation. [DS 6; MIO 5-6] However, in light of Defendant's "pattern of completing [only] one aspect of the program at a time and only after warrants had to be issued[,]" [MIO 4] as well as Defendant's ultimate failure to demonstrate fulfillment of the counseling requirement, [MIO 4-6] the district court acted well within its discretion. See NMSA 1978, § 31-21-15(B) (1989) (giving the court broad discretion when a probation violation is established). Although we understand Defendant to suggest that lesser sanctions would have been appropriate, [MIO 6] the district court reasonably differed in its assessment. In the final analysis, the district court was under no obligation to continue Defendant's probation. See *State v. Mendoza* 1978-NMSC-048, ¶ 5, 91 N.M. 688, 579 P.2d 1255 ("Probation is not a right but a privilege.").

{4} Accordingly, for the reasons stated above and in the notice of proposed summary disposition, we affirm.

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

**M. MONICA ZAMORA, Judge**

**WE CONCUR:**

**JAMES J. WECHSLER, Judge**

**RODERICK T. KENNEDY, Judge**