

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

No. 33,307

COURT OF APPEALS OF NEW MEXICO

April 30, 2014

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Neil C.  
Candelaria, District Judge

**COUNSEL**

Gary K. King, Attorney General, Santa Fe, NM, for Appellee

Jorge A. Alvarado, Chief Public Defender, Kathleen T. Baldrige, Assistant Appellate Defender, Santa Fe, NM, for Appellant

**JUDGES**

M. MONICA ZAMORA, Judge. WE CONCUR: JONATHAN B. SUTIN, Judge, CYNTHIA A. FRY, Judge

**AUTHOR:** M. MONICA ZAMORA

**MEMORANDUM OPINION**

**ZAMORA, Judge.**

{1} Defendant appeals from the revocation of his probation. We previously issued a notice of proposed summary disposition in which we proposed to affirm. Defendant has filed a memorandum in opposition, which we have duly considered. Because we remain

unpersuaded by Defendant's assertions of error, we uphold the revocation of Defendant's probation.

{2} In his docketing statement Defendant challenged the sufficiency of the evidence. He renews that argument in his memorandum in opposition. [MIO 3-5]

{3} As we previously observed, the State met its burden of proof by presenting evidence that Defendant committed numerous, serious violations of the conditions of his probation. [DS 3; MIO 2-4] This supplies ample support for the district court's decision to revoke his probation. Although we acknowledge that Defendant has not yet been charged and/or convicted of all of the various criminal offenses which he is alleged to have committed, [MIO 4] it was not incumbent upon the State to make such a showing. *Cf. State v. Martinez*, 1989-NMCA-036, ¶ 4, 108 N.M. 604, 775 P.2d 1321 (observing that "proof of a violation of a condition of probation need not be established beyond a reasonable doubt," but rather, must merely incline a "reasonable and impartial mind to the belief that the defendant has violated the terms of probation").

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

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

**M. MONICA ZAMORA, Judge**

**WE CONCUR:**

**JONATHAN B. SUTIN, Judge**

**CYNTHIA A. FRY, Judge**