

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

NO. A-1-CA-37062

COURT OF APPEALS OF NEW MEXICO

July 9, 2018

APPEAL FROM THE DISTRICT COURT OF LEA COUNTY, Mark T. Sanchez, District  
Judge

**COUNSEL**

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

Bennett J. Baur, Chief Public Defender, Will O'Connell, Assistant Appellate Defender,  
Santa Fe, NM, for Appellant

**JUDGES**

LINDA M. VANZI, Chief Judge. WE CONCUR: M. MONICA ZAMORA, Judge,  
JENNIFER L. ATTREP, Judge

**AUTHOR:** LINDA M. VANZI

**MEMORANDUM OPINION**

**VANZI, Chief Judge.**

{1} Defendant appealed from the revocation of his probation. We issued a notice of proposed summary disposition in which we proposed to affirm. 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 his probation and requiring him to serve the balance of his sentence. [MIO 1-2] However, insofar as Defendant admitted the violation [MIO 2] and insofar as the district court was authorized to sentence him as it did, the district court acted within its discretion. See generally NMSA 1978, § 31-21-15(B) (1989, amended 2016); *State v. Duran*, 1998-NMCA-153, ¶ 41, 126 N.M. 60, 966 P.2d 768 (“There is no abuse of discretion if the sentence imposed is consistent with the applicable statutory provisions.”), *abrogated on other grounds by State v. Laguna*, 1999-NMCA-152, ¶ 23, 128 N.M. 345, 992 P.2d 896. Although Defendant contends that lesser sanctions would have been appropriate, [MIO 1-2] the district court was under no obligation to continue Defendant’s probation. See generally *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.**

**LINDA M. VANZI, Chief Judge**

**WE CONCUR:**

**M. MONICA ZAMORA, Judge**

**JENNIFER L. ATTREP, Judge**