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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-37919

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v.

SHERRY TUCKER,

Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY
Briana H. Zamora, District Judge

Hector H. Balderas, Attorney General
Santa Fe, NM

for Appellee

Bennett J. Baur, Chief Public Defender
Santa Fe, NM
Steven J. Forsberg, Assistant Appellate Defender
Albuquerque, NM

for Appellant

MEMORANDUM OPINION

HANISEE, Judge.

{1} Defendant appeals her conviction for larceny (under \$250). We issued a calendar notice proposing to affirm. Defendant has responded with a memorandum in opposition. We affirm.

{2} Defendant's sole issue on appeal challenged the sufficiency of the evidence to support her conviction. Her memorandum in opposition does not point out any errors in fact or law in our calendar notice. 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point out errors of law and fact, and the repetition of earlier arguments does not fulfill this requirement), *superceded by statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374 . Accordingly, we affirm.

{3} IT IS SO ORDERED.

J. MILES HANISEE, Judge

WE CONCUR:

JACQUELINE R. MEDINA, Judge

MEGAN P. DUFFY, Judge