

STATE V. SANCHEZ

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**STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
DIAMANTINA SANCHEZ,
Defendant-Appellant.**

Docket No. A-1-CA-36497
COURT OF APPEALS OF NEW MEXICO
May 29, 2019

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Cristina T.
Jaramillo, District Judge

COUNSEL

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

The Law Offices of Ramsey & Hoon, LLC, Twila A. Hoon, Albuquerque, NM for Appellant.

JUDGES

M. MONICA ZAMORA, Chief Judge. WE CONCUR: LINDA M. VANZI, Judge MEGAN P. DUFFY, Judge

AUTHOR: M. MONICA ZAMORA

MEMORANDUM OPINION

ZAMORA, Chief Judge.

{1} The memorandum opinion filed in this case on April 18, 2019, is hereby withdrawn, and this opinion is substituted in its place.

{2} Defendant appeals from the district court's affirmance of her convictions after a jury trial in metropolitan court for aggravated driving while under the influence of intoxicating liquor (DWI), careless driving, driving without a valid driver's license, and no

insurance. In this Court's notice of proposed disposition, we proposed to adopt the district court's memorandum opinion and summarily affirm. Defendant filed a memorandum in opposition (MIO), which we have duly considered. Remaining unpersuaded, we affirm.

{3} Defendant continues to assert the same arguments articulated in her docketing statement. Defendant has not presented any facts, authority, or argument in her memorandum in opposition that persuade this Court that our proposed reliance on the district court's memorandum opinion and our consequent proposed summary affirmance was incorrect. See *Hennessey v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683 ("Our courts have repeatedly held that, in summary calendar cases, the burden is on the party opposing the proposed disposition to clearly point out errors in fact or law."); *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point out errors of law and fact, and the repetition of earlier arguments does not fulfill this requirement), *superseded by statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374.

{4} Accordingly, for the reasons stated in the district court's memorandum opinion, our notice of proposed disposition, and herein, we adopt the district court's memorandum opinion and affirm Defendant's convictions.

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

M. MONICA ZAMORA, Chief Judge

WE CONCUR:

LINDA M. VANZI, Judge

MEGAN P. DUFFY, Judge