

**Filed 1/19/05 by Clerk of Supreme Court  
IN THE SUPREME COURT  
STATE OF NORTH DAKOTA**

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2005 ND 2

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State of North Dakota,

Plaintiff and Appellee

v.

Rebecca Jackson-Metcalf,

Defendant and Appellant

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No. 20040253

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Appeal from the District Court of Cass County, East Central Judicial District,  
the Honorable Georgia Dawson, Judge.

AFFIRMED.

Per Curiam.

Monty Grant Mertz (submitted on brief), Mertz Law Office, 1308 23<sup>rd</sup> Street  
S., P.O. Box 10396, Fargo, N.D. 58106-0396, for defendant and appellant.

Tracy Jo Peters (submitted on brief), Assistant State's Attorney, Cass County  
Courthouse, P.O. Box 2806, Fargo, N.D. 58108-2806, for plaintiff and appellee.

**State v. Jackson-Metcalf**

**No. 20040253**

**Per Curiam.**

[¶1] Rebecca Jackson-Metcalf appeals a district court order revoking her probation and sentencing her to the custody of the North Dakota Department of Corrections and Rehabilitation. Jackson-Metcalf argues the district court's finding that she willfully violated her probation is clearly erroneous and the district court's determination that the violations of her probation warranted a revocation of her probation was an abuse of discretion. We conclude the order of the district court is based on findings of fact that are not clearly erroneous and the revocation of Jackson-Metcalf's probation was not an abuse of discretion. We summarily affirm under N.D.R.App. 35.1(a)(2) and (4).

[¶2] Gerald W. VandeWalle, C.J.  
Mary Muehlen Maring  
William A. Neumann  
Dale V. Sandstrom  
Carol Ronning Kapsner