

STATE V. CARLOS C.

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STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
CARLOS C.,
Defendant-Appellant.

No. 33,099

COURT OF APPEALS OF NEW MEXICO

June 10, 2014

APPEAL FROM THE DISTRICT COURT OF CHAVES COUNTY, Freddie J. Romero,
District Judge

COUNSEL

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

The Law Offices of the Public Defender, Jorge A. Alvarado, Chief Public Defender,
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JUDGES

J. MILES HANISEE, Judge. WE CONCUR: RODERICK T. KENNEDY, Chief Judge,
JAMES J. WECHSLER, Judge

AUTHOR: J. MILES HANISEE

MEMORANDUM OPINION

HANISEE, Judge.

{1} Child appeals from an adjudication of delinquency. We issued a calendar notice proposing to affirm. Child has responded with a memorandum in opposition. Not persuaded, we affirm.

{2} **Issues 1-4:** Child has claimed that the district court should have granted his motion to suppress on the basis that the officers arrested him on outstanding warrants as a pretext to question him about unrelated crimes. However, this Court recently concluded that the pretextual stop doctrine does not apply where a defendant is arrested pursuant to an outstanding warrant. *State v. Peterson*, 2014-NMCA-008, ¶ 7, 315 P.3d 354.

{3} **Issue 5:** Child continues to challenge the sufficiency of the evidence to support the adjudication of delinquency. “In reviewing the sufficiency of the evidence, we must view the evidence in the light most favorable to the guilty verdict, indulging all reasonable inferences and resolving all conflicts in the evidence in favor of the verdict.” *State v. Cunningham*, 2000-NMSC-009, ¶ 26, 128 N.M. 711, 998 P.2d 176. The question is whether the trial court’s “decision is supported by substantial evidence, not whether the [trial] court could have reached a different conclusion.” *In re Ernesto M., Jr.*, 1996-NMCA-039, ¶ 15, 121 N.M. 562, 915 P.2d 318. “The reviewing court does not weigh the evidence or substitute its judgment for that of the fact finder as long as there is sufficient evidence to support the verdict.” *State v. Mora*, 1997-NMSC-060, ¶ 27, 124 N.M. 346, 950 P.2d 789, *overruled on other grounds by Kersey v. Hatch*, 2010-NMSC-020, 148 N.M. 381, 237 P.3d 683.

{4} The underlying judgment in this case involved consolidated proceedings. [RP 155] The notice of appeal is directed at the findings in JR-13-020, in which the district court determined that Child committed the acts of (1) possession of a controlled substance (methamphetamine), (2) tampering with evidence, (3) resisting, evading or obstructing an officer, and (4) possession of marijuana or synthetic cannabinoids. [RP 155, 176]

{5} Our calendar notice proposed to affirm based on the facts set forth in the docketing statement. Specifically, Child attempted to flee when the officers came to arrest him. [DS 6] Once caught, Child handed a bag to his grandmother. [DS 6] The bag contained methamphetamine and marijuana. [DS 6, 12] Child’s memorandum in opposition does not point out any error in fact or law in our calendar notice. *See State v. Ibarra*, 1993–NMCA–040, ¶ 11, 116 N.M. 486, 864 P.2d 302 (“A party opposing summary disposition is required to come forward and specifically point out errors in fact and/or law.”).

{6} For the reasons set forth above, we affirm.

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

J. MILES HANISEE, Judge

WE CONCUR:

RODERICK T. KENNEDY, Chief Judge

JAMES J. WECHSLER, Judge