

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

No. 32,462

COURT OF APPEALS OF NEW MEXICO

January 17, 2013

**COUNSEL**

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

Border Law Office, Dean E. Border, Albuquerque, NM, for Appellant

**JUDGES**

CYNTHIA A. FRY, Judge. WE CONCUR: TIMOTHY L. GARCIA, Judge, M. MONICA ZAMORA, Judge

**AUTHOR:** CYNTHIA A. FRY

**MEMORANDUM OPINION**

**FRY, Judge.**

Defendant, Peter Campbell, appeals from his convictions for battery on a police officer; aggravated battery on a police officer; assault on a peace officer; and resisting, evading or obstructing an officer. [DS 1, RP 62] Our calendar notice proposed to summarily affirm and Defendant filed a memorandum in opposition. We remain unpersuaded by Defendant's arguments and affirm.

**BACKGROUND**

Defendant continues to argue: (1) his convictions should be reversed because he was arrested without a warrant, which was required under the circumstances, (2) his convictions should be reversed because the jury was not instructed it had to find the officers were acting in the lawful discharge of their duties at the time of the alleged assault/battery, (3) he received ineffective assistance of counsel because his trial counsel did not raise either of the first two issues in the district court. [DS 6]

## **DISCUSSION**

In his memorandum in opposition, Defendant does not raise any new legal arguments or new facts supporting his claims. See *State v. Sisneros*, 98 N.M. 201, 202-03, 647 P.2d 403, 404-05 (1982) (party opposing proposed disposition in calendar notice “must come forward and specifically point out errors in fact and law”).

## **CONCLUSION**

We remain persuaded that our proposed disposition was correct and, for the reasons stated in our calendar notice, affirm Defendant’s convictions.

**IT IS SO ORDERED.**

**CYNTHIA A. FRY, Judge**

**WE CONCUR:**

**TIMOTHY L. GARCIA, Judge**

**M. MONICA ZAMORA, Judge**