

STATE V. JIM

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STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
NATHANIEL JIM,
Defendant-Appellant.

No. 34,130

COURT OF APPEALS OF NEW MEXICO

May 5, 2015

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

COUNSEL

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Jorge A. Alvarado, Chief Public Defender, Vicki W. Zelle, Assistant Appellate Defender,
Santa Fe, NM, for Appellant

JUDGES

MICHAEL D. BUSTAMANTE, Judge. WE CONCUR: RODERICK T. KENNEDY, Judge,
TIMOTHY L. GARCIA, Judge

AUTHOR: MICHAEL D. BUSTAMANTE

MEMORANDUM OPINION

BUSTAMANTE, Judge.

{1} Defendant Nathaniel Jim appeals from the district court's judgment in an on-record appeal, affirming the metropolitan court's sentencing order entered upon the conviction of Defendant for aggravated DWI under NMSA 1978, Section 66-8-102(D)(3)

(2010) and leaving the scene of an accident contrary to NMSA 1978, Section 66-7-202 (1978). Unpersuaded by Defendant's docketing statement, we issued a notice of proposed summary disposition, proposing to affirm. Defendant has filed a memorandum in opposition to our notice. We remain unpersuaded and therefore affirm.

{2} Defendant challenges the sufficiency of the evidence to support his convictions. [DS 10; MIO 8-14] In our notice, we indicated that the district court's memorandum opinion, which addressed the same issues raised in this appeal, thoroughly detailed the relevant facts, correctly set forth the applicable standards of review and relevant law, and proposed to adopt portions of the district court's opinion. Persuaded that the district court's opinion was correct, we directed Defendant to demonstrate why the district court's opinion and our reliance on it was incorrect if he wanted this Court to reach conclusions that differed from those reached by the district court.

{3} In response, Defendant reiterates the same arguments that he articulated in his docketing statement and in his statement of issues, [RP 136-39; MIO 8-14] which was considered by the district court below and by this Court prior to issuing our notice. Specifically, relevant to Defendant's conviction for leaving the scene of an accident, Defendant continues to assert that there was insufficient evidence that Defendant was the motorist that hit Mr. Sanchez's vehicle. [MIO 8-11] Additionally, Defendant continues to assert that factors other than impairment were the cause of his driving, balance and behavior. [MIO 11-14] We are not persuaded by Defendant's arguments. These assertions were fully addressed by the district court's opinion, and Defendant has not presented any authority or argument that convinces this Court that our proposed disposition agreeing with the district court's opinion was incorrect. *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."). Accordingly, we conclude that there was sufficient evidence to support Defendant's convictions for the reasons set forth in the district court's opinion.

{4} Based on the foregoing, we affirm.

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

MICHAEL D. BUSTAMANTE, Judge

WE CONCUR:

RODERICK T. KENNEDY, Judge

TIMOTHY L. GARCIA, Judge