

**STATE V. LEDESMA**

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**STATE OF NEW MEXICO,  
Plaintiff-Appellee,  
v.  
MELISSA LEDESMA,  
Defendant-Appellant.**

NO. 35,467

COURT OF APPEALS OF NEW MEXICO

September 8, 2016

APPEAL FROM THE DISTRICT COURT OF OTERO COUNTY, James Waylon Counts,  
District Judge

**COUNSEL**

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

Bennett J. Baur, Chief Public Defender, Kathleen T. Baldrige, Santa Fe, NM, for  
Appellant

**JUDGES**

JAMES J. WECHSLER, Judge. WE CONCUR: MICHAEL D. BUSTAMANTE, Judge,  
STEPHEN G. FRENCH, Judge

**AUTHOR:** JAMES J. WECHSLER

**MEMORANDUM OPINION**

**WECHSLER, Judge.**

{1} Defendant appeals from the district court's judgment and sentence, convicting her for resisting, evading, or obstructing an officer, possession of marijuana, and no proof of insurance. Unpersuaded that Defendant demonstrated error, we issued a notice

of proposed summary disposition, proposing to affirm. Defendant has responded to our notice with a memorandum in opposition. We have duly considered Defendant's response and remain unpersuaded. We, therefore, affirm.

{2} On appeal, Defendant challenges the sufficiency of the evidence presented to support her conviction for resisting, evading, or obstructing an officer. She argues that the State did not establish by sufficient evidence that she knew the officer was trying to stop her and that she willfully refused to stop. [MIO 2-5] In response to our notice, Defendant points out that she did not stop when the officer engaged his emergency lights, because she did not realize that he was trying to stop her until he turned on his siren, which made her realize that the officer intended to stop her. [MIO 2, 5] We observe that Defendant did not stop immediately after the officer turned on his siren, however. [MIO 5] The officer turned it on and off twice, and Defendant did not stop for another block thereafter. [MIO 5]

{3} As we stated in our notice, there was plenty of evidence from which the jury could reasonably infer that Defendant was aware that the officer was attempting to pull over her vehicle, that she willfully resisted pulling over, and that she drove slowly to cause delay in order to make time to hide drugs and other contraband. *See State v. Cunningham*, 2000-NMSC-009, ¶ 26, 128 N.M. 711, 998 P.2d 176 (explaining that we indulge all reasonable inferences in favor of the verdict). The evidence included: the geographic distance Defendant traveled while the officer was signaling for her to stop; the slow speed with which Defendant drove without stopping; the behavior of her three passengers, frequently moving around, turning around to watch the officer, and appearing to hide something; the odd and nervous behavior of the passengers when the officer approached the vehicle; the case of beer and open containers visible in the vehicle; and the drugs and drug paraphernalia found on the passengers and in containers within the vehicle, including Defendant's purse. [DS 3; RP 115, 118-121]

{4} Defendant's alternative view of events does not present a basis for reversal, because the jury is free to reject that version of the facts. *See State v. Rojo*, 1999-NMSC-001, ¶ 19, 126 N.M. 438, 971 P.2d 829; *see also State v. Salas*, 1999-NMCA-099, ¶ 13, 127 N.M. 686, 986 P.2d 482 (recognizing that it is for the factfinder to resolve any conflict in the testimony of the witnesses and to determine where the weight and credibility lie). Viewing the evidence in the light most favorable to the verdict and disregarding all contrary evidence and inferences, we hold that the evidence was sufficient to support Defendant's conviction for resisting, evading or obstructing an officer as it was instructed to the jury. [RP 149] *See Cunningham*, 2000-NMSC-009, ¶ 26; *Rojo*, 1999-NMSC-001, ¶ 19.

{5} Based on the analysis in the notice and in this opinion, we affirm the district court's judgment and sentence.

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

**JAMES J. WECHSLER, Judge**

**WE CONCUR:**

**MICHAEL D. BUSTAMANTE, Judge**

**STEPHEN G. FRENCH, Judge**