

STATE V. LOERA

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STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
JESUS MANUEL LOERA,
Defendant-Appellant.

No. 32,431

COURT OF APPEALS OF NEW MEXICO

December 18, 2012

APPEAL FROM THE DISTRICT COURT OF DOÑA ANA COUNTY, Jacinto Palomino,
District Judge

COUNSEL

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

Jacqueline L. Cooper, Chief Public Defender

Kathleen T. Baldrige, Assistant Appellate Defender Santa Fe, NM for Appellant

JUDGES

JONATHAN B. SUTIN, Judge. WE CONCUR: CYNTHIA A. FRY, Judge, RODERICK T. KENNEDY, Judge

AUTHOR: JONATHAN B. SUTIN

MEMORANDUM OPINION

SUTIN, Judge.

Defendant appeals his convictions for first degree kidnapping, aggravated battery (great bodily harm), aggravated escape or attempt to escape from custody of the Children,

Youth and Families Department (CYFD), and conspiracy to commit aggravated escape or attempt to escape from custody of CYFD. [MIO 1; RP 93] This Court issued a notice of proposed summary disposition proposing to affirm, and Defendant has filed a timely memorandum in opposition. After considering the arguments made in Defendant's memorandum in opposition, we are not persuaded that our proposed disposition is in error. Therefore, we affirm Defendant's convictions.

In our notice, we observed that Defendant had pleaded guilty to all of the crimes except first degree kidnapping. See NMSA 1978, § 30-4-1 (2003). We then reviewed the evidence in support of that conviction and proposed to affirm.

In his memorandum in opposition, Defendant confines his argument to the first degree kidnapping conviction. [MIO 3] He summarizes the evidence discussed in our notice of proposed summary disposition [MIO 1-2], but fails to rebut or dispute any of the analysis contained in that notice.

Therefore, for the reasons discussed in our notice of proposed summary disposition, we affirm Defendant's convictions and sentence.

IT IS SO ORDERED.

JONATHAN B. SUTIN, Judge

WE CONCUR:

CYNTHIA A. FRY, Judge

RODERICK T. KENNEDY, Judge