

STATE V. MEDINA

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STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
JOSEPH MEDINA,
Defendant-Appellant.

No. 34,163

COURT OF APPEALS OF NEW MEXICO

May 12, 2015

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Charles Brown,
District Judge

COUNSEL

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Jorge A. Alvarado, Chief Public Defender, Santa Fe, NM, Twila A. Hoon, Contract Appellate Defender, Socorro, NM, for Appellant

JUDGES

MICHAEL D. BUSTAMANTE, Judge. WE CONCUR: JONATHAN B. SUTIN, Judge, M. MONICA ZAMORA, Judge

AUTHOR: MICHAEL D. BUSTAMANTE

MEMORANDUM OPINION

BUSTAMANTE, Judge.

{1} Defendant Joseph Medina appeals from the district court's judgment affirming his conviction for battery against a household member. In this Court's notice of proposed disposition, we proposed to adopt the memorandum opinion of the district court and

affirm. Defendant filed a memorandum in opposition, which we have duly considered. We remain unpersuaded by Defendant's arguments and therefore affirm.

{2} Defendant responded to our notice of proposed disposition with a memorandum in opposition, in which he recites the same facts and continues to raise the same arguments that he made in his docketing statement and in the statement of issues that he filed with the district court in his on-record appeal. The district court's memorandum opinion, which we proposed to adopt as our own for purposes of this appeal, fully addressed these issues.

{3} Because Defendant does not raise any new arguments or issues to convince us to reconsider our proposed disposition, we adopt the district court's memorandum opinion and refer Defendant to the responses therein. [RP 105-12]. See *Hennesy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683 ("Our courts have repeatedly held that, in summary calendar cases, the burden is on the party opposing the proposed disposition to clearly point out errors in fact or law."); *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating that a party responding to a summary calendar notice must come forward and specifically point out errors of law and fact, and the repetition of earlier arguments does not fulfill this requirement), *superseded by statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374.

{4} Accordingly, for the reasons stated in this opinion, our notice of proposed summary disposition, and the memorandum opinion of the district court, we affirm.

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

MICHAEL D. BUSTAMANTE, Judge

WE CONCUR:

JONATHAN B. SUTIN, Judge

M. MONICA ZAMORA, Judge