

**STATE V. SALAZAR**

This memorandum opinion was not selected for publication in the New Mexico Appellate Reports. Please see Rule 12-405 NMRA for restrictions on the citation of unpublished memorandum opinions. Please also note that this electronic memorandum opinion may contain computer-generated errors or other deviations from the official paper version filed by the Court of Appeals and does not include the filing date.

**STATE OF NEW MEXICO,  
Plaintiff-Appellee,  
v.  
JASON SALAZAR,  
Defendant-Appellant.**

NO. 35,456

COURT OF APPEALS OF NEW MEXICO

August 4, 2016

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

**COUNSEL**

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

Bennett J. Baur, Chief Public Defender, Steven J. Forsberg, Assistant Public Defender,  
Santa Fe, NM, for Appellant

**JUDGES**

JAMES J. WECHSLER, Judge. WE CONCUR: MICHAEL E. VIGIL, Chief Judge,  
STEPHEN G. FRENCH, Judge

**AUTHOR:** JAMES J. WECHSLER

**MEMORANDUM OPINION**

**WECHSLER, Judge.**

{1} Defendant Jason Salazar (Defendant) appeals from the district court's affirmance of the metropolitan court's bench trial conviction for aggravated driving while under the influence of intoxicating liquor, first offense. [DS 1; RP 2] In this Court's notice of

proposed disposition, we proposed to affirm Defendant's conviction and to adopt the memorandum opinion of the district court. [CN 1–2] Defendant filed a memorandum in opposition, which we have given due consideration. Remaining unpersuaded, we affirm.

{2} In this Court's notice of proposed disposition, we proposed to adopt the district court's thorough and well-reasoned memorandum opinion in response to Defendant's arguments. [CN 2; see also RP 49, 57] "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." *Hennessey v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683. In his memorandum in opposition, Defendant does not point out any errors in fact or law and continues to rely on the bare assertion that his conviction was not supported by sufficient evidence. [MIO 1] As a result, we conclude that Defendant has failed to demonstrate error.

{3} Accordingly, for the reasons set forth in our notice of proposed disposition and herein, and for the reasons articulated in the memorandum opinion of the district court, we affirm Defendant's conviction.

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

**JAMES J. WECHSLER, Judge**

**WE CONCUR:**

**MICHAEL E. VIGIL, Chief Judge**

**STEPHEN G. FRENCH, Judge**