

STATE V. CHACON

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**STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
MARK CHACON,
Defendant-Appellant.**

No. A-1-CA-36986

COURT OF APPEALS OF NEW MEXICO

January 28, 2019

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Brett R.
Loveless, District Judge

COUNSEL

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

Bennett J. Baur, Chief Public Defender, William A. O'Connell, Assistant Appellate Defender, Santa Fe, NM, for Appellant

JUDGES

J. MILES HANISEE, Judge. WE CONCUR: M. MONICA ZAMORA, Chief Judge,
JENNIFER L. ATTREP, Judge

AUTHOR: J. MILES HANISEE

MEMORANDUM OPINION

HANISEE, Judge.

{1} Defendant has appealed from convictions for unlawful taking of a motor vehicle, conspiracy, and interference with communications. We previously issued a notice of proposed summary disposition in which we proposed to uphold the convictions.

Defendant has filed a memorandum in opposition. After due consideration, we remain unpersuaded. We therefore affirm.

{2} The pertinent background information and applicable principles were set out in the notice of proposed summary disposition. We will avoid unnecessary repetition here, focusing instead on the content of the memorandum in opposition.

{3} Defendant continues to challenge the sufficiency of the evidence. [MIO 1-5] However, the testimony of the victim supplies ample support for the convictions. See *State v. Soliz*, 1969-NMCA-043, ¶ 8, 80 N.M. 297, 454 P.2d 779 (“As a general rule, the testimony of a single witness is sufficient evidence for a conviction.”).

{4} In his memorandum in opposition Defendant focuses on countervailing inferences which might have been drawn, based upon his own testimony. [MIO 2] “However, as a reviewing court, we do not reweigh the evidence or attempt to draw alternative inferences from the evidence.” *State v. Estrada*, 2001-NMCA-034, ¶ 41, 130 N.M. 358, 24 P.3d 793. Moreover, the jury was free “to reject [Defendant’s] explanation of his actions and to draw its own inferences based on the evidence.” *State v. Coffin*, 1999-NMSC-038, ¶ 77, 128 N.M. 192, 991 P.2d 477.

{5} Accordingly, for the reasons stated in our notice of proposed summary disposition and above, we affirm.

{6} IT IS SO ORDERED.

J. MILES HANISEE, Judge

WE CONCUR:

M. MONICA ZAMORA, Chief Judge

JENNIFER L. ATTREP, Judge