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IN THE COURT OF APPEALS OF STATE OF NEW MEXICO

No. A-1-CA-37630

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v.

FRANCISCO GARCIA,

Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT OF EDDY COUNTY
Jane Shuler Gray, District Judge**

Hector H. Balderas, Attorney General
Santa Fe, NM

for Appellee

Bennett J. Baur, Chief Public Defender
Santa Fe, NM
Steven J. Forsberg, Assistant Appellate Defender
Albuquerque, NM

for Appellant

MEMORANDUM OPINION

VARGAS, Judge.

{1} Defendant appeals from the district court's judgment and sentence convicting him of numerous charges. This Court issued a notice of proposed disposition proposing summary affirmance. [CN 1] Defendant filed a memorandum in opposition to the proposed disposition. We have considered Defendant's arguments and remain unpersuaded. We affirm the judgment and sentence.

{2} Defendant concedes that his ineffective assistance of counsel claim is better resolved in habeas corpus proceedings. [MIO 1] Insofar as Defendant continues to argue that there was insufficient evidence to support his convictions, Defendant has failed to demonstrate any error in this regard. See *State v. Aragon*, 1999-NMCA-060, ¶ 10, 127 N.M. 393, 981 P.2d 1211 (stating that there is a presumption of correctness in the decisions of the district court, and the party claiming error bears the burden of showing such error on appeal). In addition, Defendant does not assert any errors of fact relied upon in the proposed disposition. See *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating that a party responding to a notice of proposed disposition must come forward and specifically point out errors of law and fact), *superseded by statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, 297 P.3d 374. Accordingly, for these reasons, and those stated in the notice of proposed disposition, we affirm.

{3} IT IS SO ORDERED.

JULIE J. VARGAS, Judge

WE CONCUR:

LINDA M. VANZI, Judge

MEGAN P. DUFFY, Judge