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**IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

**No. A-1-CA-38092**

**RAUL A. CANO C.,**

Plaintiff-Appellant,

v.

**JUDY CHAVEZ,**

Defendant-Appellee.

**APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY**  
**Valerie A. Huling, District Judge**

Raul A. Cano C.  
Albuquerque, NM  
Pro Se Appellant

Ron Sanchez  
Albuquerque, NM

for Appellee

**MEMORANDUM OPINION**

**VARGAS, Judge.**

{1} Plaintiff has appealed from a defense judgment. We previously issued a notice of proposed summary disposition in which we proposed to affirm. Plaintiff has filed a memorandum in opposition. After due consideration, we remain unpersuaded.

{2} The pertinent background information and applicable principles have previously been set forth. We will avoid undue reiteration here, and instead focus on the content of the memorandum in opposition.

{3} We understand Plaintiff to continue to argue that he was entitled to judgment in his favor, based upon the evidence that he presented below. [MIO 1] However,

Defendant presented conflicting evidence which the trial court deemed to be more credible and compelling. [RP 54-56] As we previously explained, [CN 1-2] although Plaintiff clearly disagrees with the trial court's assessment, we cannot "re-weigh the evidence or substitute our judgment for the trier of fact on appeal." *Serna v. Gutierrez*, 2013-NMCA-026, ¶ 29, 297 P.3d 1238; see also *In re R.W.*, 1989-NMCA-008, ¶ 7, 108 N.M. 332, 772 P.2d 366 ("We defer to the trial court, not because it is convenient, but because the trial court is in a better position than we are to make findings of fact and also because that is one of the responsibilities given to trial courts rather than appellate courts.").

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

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

**JULIE J. VARGAS, Judge**

**WE CONCUR:**

**JACQUELINE R. MEDINA, Judge**

**MEGAN P. DUFFY, Judge**