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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-38934

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v.

MARQUISE ELIZONDO,

Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF EDDY COUNTY

Lisa B. Riley, District Judge

Hector H. Balderas, Attorney General
Santa Fe, NM

for Appellee

Bennett J. Baur, Chief Public Defender
Carrie Cochran, Assistant Appellate Defender
Santa Fe, NM

for Appellant

MEMORANDUM OPINION

BOGARDUS, Judge.

{1} Defendant appeals from his convictions for armed robbery, aggravated assault with a deadly weapon, conspiracy to commit armed robbery, and tampering with evidence. [DS 2; MIO 7] This Court issued a calendar notice proposing to affirm Defendant's convictions. Defendant has filed a memorandum in opposition with this Court, which we have duly considered. Unpersuaded, we affirm.

{2} On appeal, Defendant challenges the sufficiency of the evidence to support his convictions [MIO 2], which we proposed to affirm in this Court's calendar notice. In response, Defendant continues to assert that there was insufficient evidence to support

each conviction, specifically arguing that there was inconsistent testimony given at trial, that two witness testified against Defendant “in exchange for deals made with the State[,]” and that no DNA or fingerprint evidence was presented at trial. [MIO 5] Defendant, however, points to no error in fact or law in this Court’s proposed resolution of these issues. See *State v. Ibarra*, 1993-NMCA-040, ¶ 11, 116 N.M. 486, 864 P.2d 302 (“A party opposing summary disposition is required to come forward and specifically point out errors in fact and/or law.”).

{3} Defendant also argues that that there was a lack of substantial evidence to support his convictions because no one testified as to the race of the suspect. [MIO 5] As explained in the notice of proposed disposition, substantial circumstantial evidence can support a guilty verdict. See *State v. Sena*, 2008-NMSC-053, ¶ 10, 144 N.M. 821, 192 P.3d 1198. Furthermore, Defendant has presented no authority requiring that evidence as to a suspect’s race is required to support a conviction. See *State v. Casares*, 2014-NMCA-024, ¶ 18, 318 P.3d 200 (stating that “[w]e will not consider an issue if no authority is cited in support of the issue, because absent cited authority to support an argument, we assume no such authority exists”). Lack of testimony as to the suspect’s race, therefore, does not demonstrate a lack of substantial evidence to support Defendant’s convictions.

{4} Accordingly, for the reasons stated above and in our notice of proposed disposition, we affirm Defendant’s convictions.

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

KRISTINA BOGARDUS, Judge

WE CONCUR:

SHAMMARA H. HENDERSON, Judge

JANE B. YOHALEM, Judge