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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-39821

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v.

ALFREDO MEDRANO CARRASCO,

Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT OF LEA COUNTY
William G. W. Shoobridge, 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

HANISEE, Chief Judge.

{1} Defendant appeals a judgment and sentence entered pursuant to a jury verdict, challenging the sufficiency of the evidence to support his conviction. This Court issued a notice of proposed summary disposition proposing to affirm, and Plaintiff has filed a memorandum in opposition to that proposed disposition. Having duly considered that memorandum, we remain unpersuaded and affirm.

{2} In his memorandum, Defendant does not argue any specific deficiency in the State's trial evidence, but instead asserts that "under the totality of the circumstances,"

the evidence was insufficient. [MIO 1] In particular, Defendant emphasizes that the State's case depended upon the testimony of a sole witness. [Id.] It is a well-established principle, however, that "credibility does not depend upon the numbers of witnesses," *State v. Hunter*, 1933-NMSC-069, ¶ 6, 37 N.M. 382, 24 P.2d 251 (internal quotation marks and citation omitted), and "the testimony of a single witness is sufficient evidence for a conviction." *State v. Soliz*, 1969-NMCA-043, ¶ 8, 80 N.M. 297, 454 P.2d 779. It is the job of the jury, not this Court, to determine both the credibility of witnesses and what weight to give their testimony. *Id.*

{3} As a result, when this Court reviews the sufficiency of the evidence to support a conviction, our role is not to assess the totality of the circumstances. Instead, this Court's role is limited to reviewing whether the State introduced "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion" with regard to each element of the charged offense. *State v. Salgado*, 1999-NMSC-008, ¶ 25, 126 N.M. 691, 974 P.2d 661 (internal quotation marks and citation omitted).

{4} Defendant's memorandum does not persuade us that our proposed disposition in this appeal was based upon any error of fact or law. See *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (concluding that the repetition of earlier arguments does not meet a party's burden to come forward and specifically point out errors of law or fact in a memorandum opposing summary disposition). Accordingly, for the reasons stated in our notice of proposed summary disposition, we affirm the judgment and sentence entered by the district court.

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

J. MILES HANISEE, Chief Judge

WE CONCUR:

SHAMMARA H. HENDERSON, Judge

JANE B. YOHALEM, Judge