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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-40632

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v.

CHEYENNE RODRIGUEZ,

Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF ROOSEVELT COUNTY
Donna J. Mowrer, District Judge

Raúl Torrez, 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

IVES, Judge.

{1} Defendant appeals his conviction for trafficking methamphetamine by possession with the intent to distribute. Unpersuaded by Defendant's docketing statement, we issued a notice proposing to summarily affirm. Defendant has responded with a memorandum opposing our proposed analysis. After due consideration, we remain unpersuaded and affirm.

{2} Defendant maintains: (1) the district court erred by allowing the officer to testify as an expert on signs of trafficking, including the quantity of methamphetamine found in Defendant's possession; and (2) insufficient evidence of trafficking was presented. The arguments contained in Defendant's memorandum in opposition do not persuade us that this Court's proposed summary disposition was in error and do not otherwise impact our analysis or our disposition of this case. *See State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 ("A party responding to a summary calendar notice must come forward and specifically point out errors of law and fact," and the repetition of earlier arguments does not fulfill this requirement.), *superseded by statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374. As such, we affirm for the reasons stated in our notice of proposed disposition.

{3} IT IS SO ORDERED.

ZACHARY A. IVES, Judge

WE CONCUR:

J. MILES HANISEE, Chief Judge

SHAMMARA H. HENDERSON, Judge