

<b>STATE V. DOLIBER</b>
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**STATE OF NEW MEXICO,**  
**Plaintiff-Appellee,**  
**v.**  
**RAYMOND DOLIBER,**  
**Defendant-Appellant.**

No. 34,202

COURT OF APPEALS OF NEW MEXICO

April 7, 2015

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Benjamin  
Chavez, District Judge

**COUNSEL**

Hector H. Balderas, Attorney General, Santa Fe, NM, for Appellee

Jorge A. Alvarado, Chief Public Defender, Steven J. Forsberg, Assistant Appellate  
Defender, Santa Fe, NM, for Appellant

**JUDGES**

MICHAEL D. BUSTAMANTE, Judge. WE CONCUR: MICHAEL E. VIGIL, Chief Judge,  
LINDA M. VANZI, Judge

**AUTHOR:** MICHAEL D. BUSTAMANTE

**MEMORANDUM OPINION**

**BUSTAMANTE, Judge.**

{1} Defendant appeals his conviction in metropolitan court for battery upon a household member. The district court affirmed his conviction in a well-reasoned opinion, and we issued a notice of proposed disposition proposing to adopt the district court's

reasoning as our own. In response, Defendant has filed a memorandum in opposition that presents no new argument or evidence. Therefore, for the reasons stated in the district court opinion, Defendant's conviction is affirmed.

{2} We note that Defendant asks this Court to recognize that he remains free to pursue relief via a petition for habeas corpus. As Defendant argues, our Supreme Court has indicated this proposition is true. See *State v. Arrendondo*, 2012-NMSC-013, ¶ 44, 278 P.3d 517 (raising ineffective assistance claim on direct appeal does not preclude defendant from subsequently pursuing habeas corpus action during which more facts can be developed).

{3} Finally, we point out that the memorandum in opposition that was submitted to this Court for filing is not signed by appellate counsel, nor is the certificate of service signed or dated. We presume this was a clerical error and that the original signed pleading remains in appellate counsel's possession. Counsel is hereby directed to file the signed original, containing a signed and dated certificate of service, with this Court within ten days of the date of this opinion.

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

**MICHAEL D. BUSTAMANTE, Judge**

**WE CONCUR:**

**MICHAEL E. VIGIL, Chief Judge**

**LINDA M. VANZI, Judge**