

**STATE V. DELGADO**

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**STATE OF NEW MEXICO,  
Plaintiff-Appellee,  
v.  
JUAN DELGADO,  
Defendant-Appellant.**

No. 36,051

COURT OF APPEALS OF NEW MEXICO

June 5, 2017

APPEAL FROM THE DISTRICT COURT OF DOÑA ANA COUNTY, Fernando R.  
Macias, District Judge

**COUNSEL**

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

Bennett J. Baur, Chief Public Defender, Kathleen T. Baldridge, Assistant Appellate Defender, Santa Fe, NM, for Appellant

**JUDGES**

M. MONICA ZAMORA, Judge. WE CONCUR: JAMES J. WECHSLER, Judge, HENRY M. BOHNHOFF, Judge

**AUTHOR:** M. MONICA ZAMORA

**MEMORANDUM OPINION**

**ZAMORA, Judge.**

{1} Juan Delgado (Defendant) appeals from his jury trial convictions of two counts of non-residential burglary. [DS 2; RP 95, 102] This Court issued a notice proposing to

affirm. Defendant filed a memorandum in opposition, which we have duly considered. Remaining unpersuaded, we affirm.

**{2}** Defendant argued in his docketing statement the district court erred in denying his motions for directed verdict as to each of the counts of burglary. [DS 4] In our notice of proposed disposition, we proposed to hold, based on the facts set forth in the docketing statement, the evidence was sufficient to support Defendant's convictions. [CN 4] In his memorandum in opposition, Defendant continues to argue the evidence was insufficient to prove he committed burglary but does not point to any errors in law or fact in this Court's notice of proposed disposition. [MIO 4] "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. *See State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003, *superseded by statute on other grounds by State v. Harris*, 2013-NMCA-031, 297 P.3d 374. Because Defendant has not demonstrated the district court erred in denying his motions for directed verdict, we hold his convictions were supported by sufficient evidence and affirm.

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

**M. MONICA ZAMORA, Judge**

**WE CONCUR:**

**JAMES J. WECHSLER, Judge**

**HENRY M. BOHNHOFF, Judge**