

STATE V. FLORES

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STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
LARRY FLORES,
Defendant-Appellant.

No. 33,449

COURT OF APPEALS OF NEW MEXICO

May 20, 2014

APPEAL FROM THE DISTRICT COURT OF CHAVES COUNTY, Steven L. Bell,
District Judge

COUNSEL

Gary K. King, Attorney General, Santa Fe, NM, for Appellee

Jorge A. Alvarado, Chief Public Defender, Santa Fe, NM, Sergio J. Viscoli, Assistant
Public Defender, Albuquerque, NM, for Appellant

JUDGES

J. MILES HANSIEE, Judge. WE CONCUR: JAMES J. WECHSLER, Judge, RODERICK
T. KENNEDY, Judge

AUTHOR: J. MILES HANSIEE

MEMORANDUM OPINION

HANISEE, Judge.

{1} Defendant appeals his conviction for one count of unlawful taking of a motor vehicle. [RP 131, 137, 140] In Defendant's docketing statement, he argued, pursuant to *State v. Franklin*, 1967-NMSC-151, 78 N.M. 127, 428 P.2d 982 and *State v. Boyer*,

1985-NMCA-029, 103 N.M. 655, 712 P.2d 1, that there was insufficient evidence to support his conviction. In this Court's notice of proposed summary disposition, we proposed to affirm. In response to this Court's notice, Defendant has filed a memorandum in opposition, which we have duly considered. Because we do not find it persuasive, we affirm.

{2} In Defendant's memorandum in opposition, he continues to make the same arguments raised in his docketing statement. "Our courts have repeatedly held that, in summary calendar cases, the burden is on the party opposing the proposed disposition to clearly point out errors in fact or law." *Hennessey v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683. Defendant's memorandum provides no facts or authority that this Court has not already considered or that persuade this Court that its proposed summary disposition should not be made.

{3} Accordingly, for the reasons stated here and in our notice of proposed summary disposition, we affirm.

{4} IT IS SO ORDERED.

J. MILES HANSIEE, Judge

WE CONCUR:

JAMES J. WECHSLER, Judge

RODERICK T. KENNEDY, Judge