

STATE V. NICHOLAS

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STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
RAWLE NICHOLAS,
Defendant-Appellant.

NO. 30,999

COURT OF APPEALS OF NEW MEXICO

August 5, 2011

APPEAL FROM THE DISTRICT COURT OF OTERO COUNTY, David I. Rupp, District
Judge

COUNSEL

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

Jacqueline L. Cooper, Acting Chief Public Defender, Will O'Connell, Assistant Appellate
Defender, Santa Fe, NM, for Appellant

JUDGES

MICHAEL E. VIGIL, Judge. WE CONCUR: CYNTHIA A. FRY, Judge, LINDA M. VANZI,
Judge.

AUTHOR: MICHAEL E. VIGIL.

MEMORANDUM OPINION

VIGIL, Judge.

Defendant appeals numerous convictions arising from a domestic dispute. In particular, he attacks the sufficiency of the evidence to support the convictions. In our second

notice, we proposed to affirm all but one of the convictions. We proposed to reverse the conviction for criminal damage to property of another pursuant to *State v. Powels*, 2003-NMCA-090, 134 N.M. 118, 73 P.3d 256. The State has responded that it does not contest that reversal. With regard to the remaining convictions, Defendant continues to argue that the evidence was insufficient. He does not, however, present us with any further law, facts, or arguments or point out any errors in our analysis. Therefore, we continue to rely on our proposal regarding the sufficiency of the evidence as stated in our first calendar notice. See *State v. Sisneros*, 98 N.M. 201, 202-03, 647 P.2d 403, 404-05 (1982).

For the reasons set out in the first calendar notice, we affirm the convictions of false imprisonment, two counts of interference with communications, assault on a household member, and battery of a household member. The conviction for criminal damage to property is reversed. This case is remanded to the district court to vacate the conviction for criminal damage to property and to resentence Defendant.

IT IS SO ORDERED.

MICHAEL E. VIGIL, Judge

WE CONCUR:

CYNTHIA A. FRY, Judge

LINDA M. VANZI, Judge