

**STATE V. ROCKYMORE**

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**STATE OF NEW MEXICO,**  
Plaintiff-Appellee,  
v.  
**LIONEL ROCKYMORE,**  
Defendant-Appellant.

No. 34,138

COURT OF APPEALS OF NEW MEXICO

February 16, 2015

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Brett Lovelace,  
District Judge

**COUNSEL**

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

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

**JUDGES**

JAMES J. WECHSLER, Judge. WE CONCUR: LINDA M. VANZI, Judge, J. MILES  
HANISEE, Judge

**AUTHOR:** JAMES J. WECHSLER

**MEMORANDUM OPINION**

**WECHSLER, Judge.**

{1} Defendant Lionel Rockymore appeals from the district court's affirmance of the metropolitan court's sentencing order, filed after Defendant entered a conditional no contest plea to driving while under the influence of intoxicating liquor (DWI), first

offense; no seat belt; and expired registration. In this Court's notice of proposed disposition, we proposed to adopt the memorandum opinion of the district court and affirm. Defendant filed a memorandum in opposition, which we have duly considered. We remain unpersuaded by Defendant's arguments and therefore affirm.

{2} Defendant responded to our notice of proposed disposition with a memorandum in opposition, in which he recites the same facts and continues to raise the same arguments that he made in his docketing statement. "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. *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003, *superseded by statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374. Because Defendant does not raise any new arguments or issues to convince us to reconsider our proposed disposition, we adopt the district court's memorandum opinion. *See Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683 ("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.").

{3} For the reasons stated in this opinion, our notice of proposed summary disposition, and the memorandum opinion of the district court, we affirm.

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

**JAMES J. WECHSLER, Judge**

**WE CONCUR:**

**LINDA M. VANZI, Judge**

**J. MILES HANISEE, Judge**