

STATE V. ZAMORA

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**STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
STEVEN ZAMORA,
Defendant-Appellant.**

No. 34,977

COURT OF APPEALS OF NEW MEXICO

March 23, 2016

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, Santa Fe, NM, Vicki W. Zelle, Assistant
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JUDGES

J. MILES HANISEE, Judge. WE CONCUR: JAMES J. WECHSLER, Judge, MICHAEL
D. BUSTAMANTE, Judge

AUTHOR: J. MILES HANISEE

MEMORANDUM OPINION

HANISEE Judge.

{1} Defendant Steven Zamora appeals from the district court's affirmance of his conviction for driving under the influence of intoxicating liquor (DWI) under the impaired-to-the-slightest-degree standard, contrary to NMSA 1978, Section 66-8-102(A) (2010).

Unpersuaded by Defendant's docketing statement, we issued a notice of proposed summary disposition, proposing to affirm. Defendant has filed a memorandum in opposition to our notice. We remain unpersuaded and therefore affirm.

{2} Defendant challenges the sufficiency of the evidence to support his convictions. [DS 9; MIO 9-12] In our notice, we indicated that the district court's memorandum opinion, which addressed the same issue raised in this appeal, thoroughly detailed the relevant facts, correctly set forth the applicable standards of review and relevant law, and proposed to adopt the district court's opinion. Persuaded that the district court's opinion was correct, we directed Defendant to demonstrate why the district court's opinion and our reliance on it was incorrect if he wanted this Court to reach conclusions that differed from those reached by the district court.

{3} In response, Defendant reiterates many of the same arguments that he articulated in his statement of issues below, [DS 9-12; RP 44-46] which was considered by the district court below and by this Court prior to issuing our notice. In addition, the initial nine pages of Defendant's memorandum in opposition are what appears to be a verbatim restatement of information contained in Defendant's docketing statement. [DS 1-9; MIO 1-9] This repetition of material that has already been presented to the Court, with no indication as to which parts, if any, of the material are responsive to the notice of proposed disposition is not useful and creates unnecessary work for both this Court and the parties. We request that counsel refrain from this practice in any future pleadings she may file with this Court.

{4} We are not persuaded by Defendant's memorandum in opposition. Defendant's assertions were fully addressed by the district court's opinion, and Defendant has not presented any authority or argument that convinces this Court that our proposed disposition or our reliance on the district court's opinion was incorrect. See *State v. Ibarra*, 1993-NMCA-040, ¶ 11, 116 N.M. 486, 864 P.2d 302 ("A party opposing summary disposition is required to come forward and specifically point out errors in fact and/or law."). Accordingly, we conclude that there was sufficient evidence to support Defendant's conviction for the reasons set forth in the district court's opinion.

{5} Based on the foregoing, we affirm.

{6} IT IS SO ORDERED.

J. MILES HANISEE, Judge

WE CONCUR:

JAMES J. WECHSLER, Judge

MICHAEL D. BUSTAMANTE, Judge