

**STATE V. OTERO**

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**STATE OF NEW MEXICO,  
Plaintiff-Appellee,  
v.  
ASHLEY OTERO,  
Defendant-Appellant.**

Docket No. A-1-CA-37620  
COURT OF APPEALS OF NEW MEXICO  
April 25, 2019

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Briana H.  
Zamora, District Judge

**COUNSEL**

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

Bennett J. Baur, Chief Public Defender, Santa Fe, NM, Steven James Forsberg,  
Assistant Appellate Defender, Albuquerque, NM for Appellant.

**JUDGES**

LINDA M. VANZI, Judge. WE CONCUR: JULIE J. VARGAS, Judge, JACQUELINE R.  
MEDINA, Judge

**AUTHOR:** LINDA M. VANZI

**MEMORANDUM OPINION**

**VANZI, Judge.**

{1} Defendant challenges the sufficiency of the evidence to support her conviction of driving while intoxicated. [DS 9] For support, Defendant directs our attention to testimony that she had not been drinking on the night of her arrest. [DS 6, 7, 8] This Court proposed to affirm Defendant's conviction, since it is for the fact-finder to resolve conflicting testimony and it is not the role of a reviewing court to reweigh the evidence

for purposes of making credibility determinations. *State v. Salas*, 1999-NMCA-099, ¶ 13, 127 N.M. 686, 986 P.2d 482.

{2} In her memorandum in opposition to that summary disposition, Defendant continues to assert that witnesses at trial “testified that she was not intoxicated on the night in question.” [MIO 1] Having duly considered Defendant’s memorandum, we are unpersuaded. See *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (explaining that a party responding to a proposed disposition must “specifically point out errors of law and fact[,]” and that the repetition of earlier arguments does not fulfill this requirement), *superseded by statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374.

{3} Thus, for the foregoing reasons, as well as those stated in our notice of proposed summary disposition, we affirm the judgment and sentence entered below.

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

**LINDA M. VANZI, Judge**

**WE CONCUR:**

**JULIE J. VARGAS, Judge**

**JACQUELINE R. MEDINA, Judge**