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**IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

**No. A-1-CA-39282**

**STATE OF NEW MEXICO,**

Plaintiff-Appellee,

v.

**TYLER S. PHILLIPS,**

Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT OF CURRY COUNTY**

**Matthew E. Chandler, District Judge**

Hector H. Balderas, Attorney General  
Santa Fe, NM

for Appellee

Bennett J. Baur, Chief Public Defender  
Kathleen T. Baldrige, Assistant Appellate Defender  
Santa Fe, NM

for Appellant

**MEMORANDUM OPINION**

**HANISEE, Chief Judge.**

{1} Defendant appeals his convictions for battery upon a peace officer and resisting, evading, or obstructing an officer. We previously issued a notice of proposed summary disposition, proposing to uphold the convictions. Defendant has filed a memorandum in opposition. After due consideration, we remain unpersuaded. We therefore affirm.

{2} Defendant renews his challenge to the sufficiency of the evidence. [MIO 1-5] Because the relevant background information has previously been set forth, we will avoid undue reiteration here, and focus instead on the newly-advanced substantive content of the memorandum in opposition.

**{3}** We understand Defendant to tacitly acknowledge that the evidence presented by the State was sufficient to support his conviction for resisting, evading, or obstructing an officer. [MIO 1, 4] *See, e.g., State v. Gutierrez*, 2007-NMSC-033, ¶ 36, 142 N.M. 1, 162 P.3d 156 (finding sufficient evidence to support a conviction where the defendant ignored and then ran from the arresting officer). We therefore adhere to our initial assessment of this matter.

**{4}** With respect to the conviction for battery upon a peace officer, Defendant specifically challenges the sufficiency of the evidence to establish his intent. [MIO 4-5] However, the circumstantial evidence supplied adequate support for the requisite inference. *See, e.g., State v. Lopez*, 2008-NMCA-111, ¶¶ 14-15, 144 N.M. 705, 191 P.3d 563 (upholding a conviction for battery on a peace officer where the evidence, when viewed in the light most favorable to the State, established that the defendant initially fled, and later struck the officer in the face as the officer was placing him under arrest); *see generally State v. Nozie*, 2009-NMSC-018, ¶ 32, 146 N.M. 142, 207 P.3d 1119 (acknowledging that intent is seldom subject to proof by direct evidence, and accordingly, intent may be proved by circumstantial evidence). We therefore reject Defendant's challenge to the sufficiency of the evidence.

**{5}** Accordingly, for the reasons stated above and in our notice of proposed summary disposition, we affirm.

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

**J. MILES HANISEE, Chief Judge**

**WE CONCUR:**

**KRISTINA BOGARDUS, Judge**

**JACQUELINE R. MEDINA, Judge**