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

**No. A-1-CA-38527**

**STATE OF NEW MEXICO,**

Plaintiff-Appellee,

v.

**DANNY MURRAY,**

Defendant-Appellant.

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

**Jane Shuler Gray, 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 from his conviction for resisting, evading, or obstructing an officer. This Court issued a calendar notice proposing to affirm the district court's judgment and sentence. Defendant filed a memorandum in opposition, which we have duly considered. Unpersuaded, we affirm.

{2} This Court references the facts as alleged in the docketing statement in our notice of proposed disposition, and relying on those facts, proposed to conclude that there was sufficient evidence to support Defendant's conviction. In response, Defendant "maintains that the State failed to prove beyond a reasonable doubt that he knowingly

obstructed, resisted or opposed Sgt. Howard in . . . the exercise of his lawful duties.” [MIO 4] In our notice of proposed disposition we also proposed to conclude that the district court did not abuse its discretion in sentencing Defendant to 364 days of detention with 202 days of presentence confinement credit. [CN 3, 4] Defendant continues to assert that “the trial court abused its discretion in refusing to impose probation for the remaining 162 days of his sentence, which he has since completed serving in jail.” [MIO 5-6] Defendant, however, points to no error in fact or law with this Court’s notice of proposed disposition. 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, for the reasons stated in our notice of proposed disposition and herein, we affirm Defendant’s conviction.

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

**J. MILES HANISEE, Chief Judge**

**WE CONCUR:**

**KRISTINA BOGARDUS, Judge**

**ZACHARY A. IVES, Judge**