

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

Court of Appeals of New Mexico
Filed 1/4/2023 11:15 AM

2 **STATE OF NEW MEXICO,**

3 Plaintiff-Appellee,



Mark Reynolds

4 v.

No. A-1-CA-40632

5 **CHEYENNE RODRIGUEZ,**

6 Defendant-Appellant.

7 **APPEAL FROM THE DISTRICT COURT OF ROOSEVELT COUNTY**

8 **Donna J. Mowrer, District Judge**

9 Raúl Torrez, Attorney General

10 Santa Fe, NM

11 for Appellee

12 Bennett J. Baur, Chief Public Defender

13 Santa Fe, NM

14 Steven J. Forsberg, Assistant Appellate Defender

15 Albuquerque, NM

16 for Appellant

17 **MEMORANDUM OPINION**

18 **IVES, Judge.**


19 {1} Defendant appeals his conviction for trafficking methamphetamine by
20 possession with the intent to distribute. Unpersuaded by Defendant's docketing
21 statement, we issued a notice proposing to summarily affirm. Defendant has
22 responded with a memorandum opposing our proposed analysis. After due
23 consideration, we remain unpersuaded and affirm.


1 {2} Defendant maintains: (1) the district court erred by allowing the officer to
2 testify as an expert on signs of trafficking, including the quantity of
3 methamphetamine found in Defendant’s possession; and (2) insufficient evidence of
4 trafficking was presented. The arguments contained in Defendant’s memorandum in
5 opposition do not persuade us that this Court’s proposed summary disposition was
6 in error and do not otherwise impact our analysis or our disposition of this case. *See*
7 *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (“A
8 party responding to a summary calendar notice must come forward and specifically
9 point out errors of law and fact,” and the repetition of earlier arguments does not
10 fulfill this requirement.), *superseded by statute on other grounds as stated in State*
11 *v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374. As such, we affirm for the reasons
12 stated in our notice of proposed disposition.

13 {3} **IT IS SO ORDERED.**

14 
15 _____
ZACHARY A. IVES, Judge

16 **WE CONCUR:**

17 
18 _____
J. MILES HANISEE, Chief Judge

19 
20 _____
SHAMMARA H. HENDERSON, Judge