

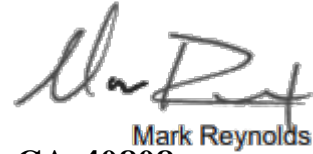
1 **IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

Court of Appeals of New Mexico  
Filed 6/28/2023 1:43 PM

2 **STATE OF NEW MEXICO,**

3 Plaintiff-Appellee,

4 v.



Mark Reynolds

**No. A-1-CA-40808**

5 **ALTON P. SMITH a/k/a**

6 **ALTON PETE SMITH,**

7 Defendant-Appellant.

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

9 **Drew D. Tatum, District Court Judge**

10 Raúl Torrez, Attorney General

11 Santa Fe, NM

12 for Appellee

13 Bennett J. Baur, Chief Public Defender

14 Jasmine Solomon, Assistant Appellate Defender

15 Santa Fe, NM

16 for Appellant

17 **MEMORANDUM OPINION**

18 **DUFFY, Judge.**

19 {1} Defendant appeals his conviction for possession of methamphetamine. We  
20 issued a notice of proposed summary disposition proposing to affirm. Defendant has  
21 responded with a timely memorandum in opposition. After due consideration, we  
22 remain unpersuaded. We therefore affirm.

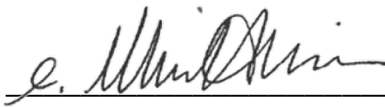
1 {2} Defendant continues to challenge the sufficiency of the evidence to support  
2 his conviction. However, Defendant has not asserted any facts, law, or argument that  
3 persuade us that our notice of proposed disposition was erroneous. *See generally*  
4 *Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683 (“Our  
5 courts have repeatedly held that, in summary calendar cases, the burden is on the  
6 party opposing the proposed disposition to clearly point out errors in fact or law.”);  
7 *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating  
8 that “[a] party responding to a summary calendar notice must come forward and  
9 specifically point out errors of law and fact,” and the repetition of earlier arguments  
10 does not fulfill this requirement), *superseded by statute on other grounds as stated*  
11 *in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374. Accordingly, we adhere to  
12 our initial assessment of this matter, and reject this assertion of error.

13 {3} Accordingly, for the reasons stated in our notice of proposed disposition and  
14 herein, we affirm.

15 {4} **IT IS SO ORDERED.**

16   
17 \_\_\_\_\_  
MEGAN P. DUFFY, Judge

1 **WE CONCUR:**

2 

3 **J. MILES HANISEE, Judge**

4 

5 **KRISTINA BOGARDUS, Judge**