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

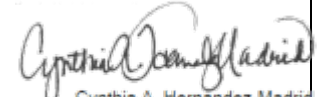
2 **STATE OF NEW MEXICO,**

Court of Appeals of New Mexico
Filed 2/14/2024 1:13 PM

3 Plaintiff-Appellee,

4 v.

No. A-1-CA-41138



Cynthia A. Hernandez-Madrid
Acting Chief Clerk

5 **CHARLES W. HARRIS,**

6 Defendant-Appellant.

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

8 **Michael H. Stone, District Court Judge**

9 Raúl Torrez, Attorney General
10 Santa Fe, NM

11 for Appellee

12 Charles W. Harris, Jr.
13 Carlsbad, NM

14 Pro Se Appellant

15 **MEMORANDUM OPINION**

16 **YOHALEM, Judge.**

17 {1} Defendant appeals the district court's order denying Defendant's Rule 5-803
18 NMRA motion for post-sentence relief. In this Court's notice of proposed
19 disposition, we proposed to summarily affirm. Defendant filed a memorandum in
20 opposition, which we have duly considered. Remaining unpersuaded, we affirm.

21 {2} In his memorandum in opposition, we understand Defendant to raise the same
22 nine issues and related facts that we addressed and proposed to disagree with in our

1 notice of proposed disposition. [MIO 2-6] Defendant has failed, however, to assert
2 any new facts, law, or argument that persuade this Court that our notice of proposed
3 disposition was erroneous. *See Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124
4 N.M. 754, 955 P.2d 683 (“Our courts have repeatedly held that, in summary calendar
5 cases, the burden is on the party opposing the proposed disposition to clearly point
6 out errors in fact or law.”); *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M.
7 421, 759 P.2d 1003 (stating that “[a] party responding to a summary calendar notice
8 must come forward and specifically point out errors of law and fact,” and the
9 repetition of earlier arguments does not fulfill this requirement), *superseded by*
10 *statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d
11 374. Because Defendant has merely reasserted the same arguments already
12 addressed, and does not otherwise provide any explanation or support demonstrating
13 that the district court misapplied Rule 5-803(G) in denying Defendant’s motion for
14 post-sentence relief, we conclude that Defendant has failed to carry his burden to
15 demonstrate reversible error. *See State v. Aragon*, 1999-NMCA-060, ¶ 10, 127 N.M.
16 393, 981 P.2d 1211 (stating that we presume correctness in the district court’s rulings
17 and the burden is on the appellant to demonstrate district court error).

18 {3} Accordingly, for the reasons stated in our notice of proposed disposition and
19 herein, we affirm.

1 {4} IT IS SO ORDERED.

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JANE B. YOHALEM, Judge

4 WE CONCUR:

5 
6 MEGAN P. DUFFY, Judge

7 
8 ZACHARY A. IVES, Judge