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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 2/21/2024 10:38 AM

3 Plaintiff-Appellee,



Cynthia A. Hernandez-Madrid
Acting Chief Clerk

4 v.

No. A-1-CA-41334

5 **SERGIO BOLANOS,**

6 Defendant-Appellant.

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

8 **Jarod K. Hofacket, District Court Judge**

9 Raúl Torrez, Attorney General

10 Santa Fe, NM

11 for Appellee

12 Bennett J. Baur, Chief Public Defender

13 Melanie C. McNett, Assistant Appellate Defender

14 Santa Fe, NM

15 for Appellant

16 **MEMORANDUM OPINION**

17 **YOHALEM, Judge.**

18 {1} Defendant appeals his conviction for battery against a household member.

19 This Court issued a calendar notice proposing to summarily affirm. Defendant filed

20 a memorandum in opposition, which we have duly considered. Remaining

21 unpersuaded by Defendant's assertion of error, we affirm.

1 {2} In the memorandum in opposition, Defendant maintains that there was
2 insufficient evidence to support his conviction. [MIO 6] In particular, Defendant
3 continues to assert that the State failed to prove that he touched or grabbed Victim
4 and that there is “a reasonable dispute” as to whether he touched Victim. [MIO 7]
5 As we pointed out in our proposed disposition, however, Victim testified that
6 Defendant grabbed her arm and pushed her against a fence. [CN 3] The testimony
7 of a single witness constitutes sufficient evidence to uphold a conviction, *State v.*
8 *Roybal*, 1992-NMCA-114, ¶ 9, 115 N.M. 27, 846 P.2d 333, and contrary evidence
9 supporting acquittal does not provide a basis for reversal because the fact-finder is
10 free to reject a defendant’s version of the facts, *State v. Rojo*, 1999-NMSC-001, ¶ 19,
11 126 N.M. 438, 971 P.2d 829. [CN 3-4] Defendant has therefore failed to assert any
12 new facts, law, or arguments that persuade this Court that our proposed disposition
13 was erroneous. *See State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 21, 759
14 P.2d 1003 (stating that “[a] party responding to a summary calendar notice must
15 come forward and specifically point out errors of law and fact,” and the repetition of
16 earlier arguments does not fulfill this requirement), *superseded by statute on other*
17 *grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374; *see also*
18 *Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683 (“Our
19 courts have repeatedly held that, in summary calendar cases, the burden is on the
20 party opposing the proposed disposition to clearly point out errors in fact or law.”).

1 **CONCLUSION**

2 {3} Accordingly, for the reasons stated in our notice of proposed disposition and
3 herein, we affirm.

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

5 
6 **JANE B. YGHALEM, Judge**

7 **WE CONCUR:**

8 
9 **MEGAN P. DUFFY, Judge**

10 
11 **SHAMARNA H. HENDERSON, Judge**