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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

2| STATE OF NEW MEXICO,

Court of Appeals of New Mexico
Filed 1/15/2026 11:29 AM

Plaintiff-Appellee,

4 | v.

No. A-1-CA-42643

5 | PATRICK GUTIERREZ,

6| Defendant-Appellant.

7| APPEAL FROM THE DISTRICT COURT OF OTERO COUNTY

8 | Angie K. Schneider, District Court Judge

9 Raúl Torrez, Attorney General
10 Santa Fe, NM

11 for Appellee

12 Bennett J. Baur, Chief Public Defender
13 Nina Lalevic, Assistant Appellate Defender
14 Santa Fe, NM

15 for Appellant

MEMORANDUM OPINION

17 | YOHALEM, Judge.

18 {1} This matter was submitted to the Court on the brief in chief pursuant to the
19 Administrative Order for Appeals in Criminal Cases from the Second, Eleventh, and
20 Twelfth Judicial District Courts in *In re Pilot Project for Criminal Appeals*, No.
21 2022-002, effective November 1, 2022. Having considered the brief in chief,
22 concluding the briefing submitted to the Court provides no possibility for reversal,

1 and determining that this case is appropriate for resolution on Track 1 as defined in
2 that order, we affirm for the following reasons.

3 {2} Following a jury trial, Defendant appeals from the district court's judgment
4 and sentence for trafficking controlled substances (distribution). [2 RP 331-34]
5 Defendant contends that the evidence was insufficient to support his conviction,
6 arguing that the State failed to establish that Defendant was the individual who sold
7 the controlled substance during a controlled buy by police. [BIC 5-6] “[A]ppellate
8 courts review sufficiency of the evidence from a highly deferential standpoint.” *State*
9 *v. Slade*, 2014-NMCA-088, ¶ 13, 331 P.3d 930 (alteration, omission, internal
10 quotation marks, and citation omitted). “All evidence is viewed in the light most
11 favorable to the state, and we resolve all conflicts and make all permissible
12 inferences in favor of the jury’s verdict.” *Id.* (text only) (citation omitted).
13 “[A]ppellate courts do not search for inferences supporting a contrary verdict or
14 re[]weigh the evidence because this type of analysis would substitute an appellate
15 court’s judgment for that of the jury.” *Id.* (internal quotation marks and citation
16 omitted).

17 {3} According to Defendant’s brief in chief the following material evidence was
18 presented at trial. Officers were conducting a number of controlled buys for
19 controlled substances, and on the day of the purchase at issue, two officers were in
20 a car in a Walmart parking lot acting as buyers. [BIC 1] Other officers were in the

1 parking lot in nearby cars for security and surveillance. [BIC 1] Defendant
2 approached the officers, the officers rolled down the window, and the officers
3 purchased a substance that tested positive for methamphetamine from Defendant.
4 [BIC 1-2] One of the officers in the car, Officer Latin, identified Defendant as the
5 man who sold the methamphetamine to the officers. [BIC 2]

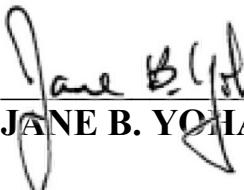
6 {4} A border patrol agent acting as part of the task force conducting the controlled
7 buys testified that he watched Defendant get out of a car, approach the undercover
8 officers conducting the controlled buy, do a “hand off,” and then return to his own
9 car. [BIC 2-3] The border patrol agent testified that he had multiple encounters with
10 Defendant and recognized him as the man who sold methamphetamine to the
11 undercover officers. [BIC 3]

12 {5} Defendant contends that there was insufficient evidence to support his
13 conviction because the officers did not submit the plastic baggie for fingerprints or
14 DNA or use facial recognition software to identify the seller. [BIC 2, 6] Defendant
15 also cites to testimony where the officers did not remember a scar or tattoo on
16 Defendant’s hand—an identifying feature—and Defendant’s own testimony that he
17 is commonly mistaken for other members of his own family. [BIC 3, 6] But it was
18 for the jury to resolve any conflicts and determine the weight and credibility of the
19 testimony. *See State v. Salas*, 1999-NMCA-099, ¶ 13, 127 N.M. 686, 986 P.2d 482.
20 We do not reweigh the evidence, and we may not substitute our judgment for that of

1 the fact-finder, as long as there is sufficient evidence to support the verdict. *State v.*
2 *Griffin*, 1993-NMSC-071, ¶ 17, 116 N.M. 689, 866 P.2d 1156. As outlined above,
3 both the officer who purchased the methamphetamine and an officer who observed
4 the transaction both testified that Defendant was the individual who sold the
5 methamphetamine. Viewing the evidence in the light most favorable to the State, we
6 conclude this evidence is sufficient to sustain Defendant's conviction. *See Slade*,
7 2014-NMCA-088, ¶ 13.

8 {6} Based on the foregoing, we affirm Defendant's conviction.

9 {7} **IT IS SO ORDERED.**

10 
11 JANE B. YOHALEM, Judge

12 WE CONCUR:

13 
14 J. MILES HANISEE, Judge

15 
16 SHAMMARA H. HENDERSON, Judge