

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

Court of Appeals of New Mexico

Filed 2/16/2026 8:35 AM

2 **STATE OF NEW MEXICO,**

3 Plaintiff-Appellee,



Mark Reynolds

4 v.

No. A-1-CA-42712

5 **ANTHONY CASIQUITO,**

6 Defendant-Appellant.

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

8 **Charles W. Brown, District Court Judge**

9 Raúl Torrez, Attorney General

10 Santa Fe, NM

11 for Appellee

12 Bennett J. Baur, Chief Public Defender

13 Thomas J. Lewis, Assistant Appellate Defender

14 Santa Fe, NM

15 for Appellant

16 **MEMORANDUM OPINION**

17 **ATTREP, 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} Defendant appeals from the district court’s order denying his motion to
4 reconsider sentence following the revocation of his probation, raising two challenges
5 to the sentence. [2 RP 349-350] *See* Rule 5-801 NMRA (governing motions for
6 reduction of sentence filed within ninety days of the judgment and sentence).
7 Defendant first argues that the district court fashioned its sentence based on the
8 mistaken belief that it was his second probation revocation. [BIC 4] Defendant also
9 argues that the district court failed to take into consideration alternative
10 rehabilitation options. [BIC 4-8] We generally review the district court’s denial of a
11 motion for reconsideration of sentence under Rule 5-801 for abuse of discretion. *See*
12 *State v. Jenkins*, 2024-NMCA-019, ¶ 27, 542 P.3d 835; *see also State v. Herbstman*,
13 1999-NMCA-014, ¶ 8, 126 N.M. 683, 974 P.2d 177 (stating that “it is within the
14 trial court’s discretion whether to modify a valid sentence”).

15 {3} The facts and procedural history relevant to this appeal are as follows.
16 Defendant pleaded guilty to a second-degree felony criminal offense and received a
17 conditional discharge, pursuant to which he was placed on a term of probation. [2
18 RP 257-262, 272] On October 5, 2023, the State filed a motion to revoke probation.
19 [2 RP 288] Following a hearing, the district found Defendant had violated his
20 probation, and entered an order revoking probation and sentencing Defendant to

1 serve a term of seven days in jail, followed by reinstatement of probation. [2 RP 309-
2 310]

3 {4} On July 26, 2024, the State filed a second motion to revoke probation, and
4 Defendant admitted to violating a condition of his probation. [2 RP 328, 349] On
5 October 24, 2024, the district court entered an order revoking the conditional
6 discharge, unsatisfactorily discharging him from probation, and sentencing
7 Defendant to serve a seven-and-one-half year prison term. [2 RP 349-350] *See*
8 *generally* NMSA 1978, § 31-18-15 (A) (2025) (setting out the basic sentence for a
9 second degree felony). On December 20, 2024, Defendant filed a motion to
10 reconsider and modify sentence. The district court held a hearing, after which it
11 denied the motion. [2 RP 360] This appeal follows.

12 {5} We understand Defendant to first argue that the district court's November 8,
13 2023 order, did not revoke his probation, but instead reinstated it. [BIC 5] To the
14 extent Defendant argues that the district court's decision to impose a term of
15 incarceration was based on the mistaken belief that Defendant was on his second
16 probation revocation, we disagree. The district court's November 8, 2023 order, by
17 its terms, revoked Defendant's probation and imposed a seven-day sentence before
18 reinstating probation. We therefore reject this assertion of error.

19 {6} Defendant next argues that the district court failed to consider the special
20 needs of Native American youth struggling with substance dependency. Defendant

1 references alternative resolution mechanisms available in Navajo Nation courts, and,
2 while recognizing that such alternatives were not available to him or the family,
3 Defendant argues that the sentence imposed by the district court would effectively
4 preclude any future opportunity for engagement in culturally appropriate
5 rehabilitation. [BIC 6-7] Defendant also argues that the district court failed to
6 consider mitigating evidence and the needs of Defendant and his family. [BIC 7]

7 {7} With respect to the district court’s decision not to modify the sentence
8 imposed, we reiterate the district court is vested with broad discretion, and its
9 decision was both authorized by statute and within its discretion. *See* NMSA 1978,
10 § 31-21-15(B) (2016) (“If [a probation] violation is established, the court may . . .
11 revoke the probation and . . . require the probationer to serve the balance of the
12 sentence imposed or any lesser sentence.”); *see also State v. Follis*, 1970-NMCA-
13 083, ¶ 8, 81 N.M. 690, 472 P.2d 655 (“The suspension or [deferment] of a sentence
14 is not a matter of right but is an act of clemency within the [district] court’s
15 discretion.”). The record reflects that the district court considered the relevant
16 circumstances, including the violent nature of the underlying offense, the nature of
17 the probation violations, and the multiple opportunities for probation compliance
18 afforded to Defendant in denying the motion for modification. Because the decision
19 to reduce a sentence is a matter within the sound discretion of the district court, and
20 the district court’s decision was based on a principled consideration of the record

1 before it, we defer to the district court’s discretion. *See State v. Sosa*, 1996-NMSC-
2 057, ¶ 12, 122 N.M. 446, 926 P.2d 299 (indicating that review of a motion to
3 reconsider is for an abuse of discretion). We see no basis to conclude that the district
4 court’s decision to deny the motion for reduction of sentence was unwarranted.

5 {8} Additionally, based on our review of both the sentencing hearing and the
6 hearing on the motion to reconsider, the district court did not fail to consider
7 mitigating evidence in denying the motion to modify the sentence. Defendant was
8 afforded the opportunity to present his arguments regarding his particular
9 circumstances at the initial sentencing hearing, and Defendant, his mother, and his
10 father were able to address the district court in support of Defendant’s position. [FTR
11 10/24/2024: 10:42:21-11:06:58] And, the district court indicated at the motion to
12 modify sentence that it had considered the information presented at the hearing in
13 crafting its sentence. [FTR 1/9/2025 1:59:14-2:04:03] *Cf. State v. Sotelo*, 2013-
14 NMCA-028, ¶ 39, 296 P.3d 1232 (remanding for resentencing where the district
15 court and defense counsel mistakenly believed that the crime for which the defendant
16 was convicted was not subject to a reduction based on mitigating circumstances).

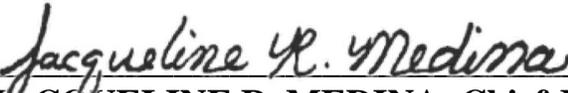
17 {9} For these reasons, we affirm the district court. *See State v. Aslin*, 2020-NMSC-
18 004, ¶ 12, 457 P.3d 249 (recognizing the broad discretion of the courts in dealing
19 with probation violations).

1 {10} IT IS SO ORDERED.

2
3


JENNIFER L. ATTREP, Judge

4 WE CONCUR:

5 
6 JACQUELINE R. MEDINA, Chief Judge

7 
8 J. MILES HANISEE, Judge