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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 2/2/2026 8:03 AM

Plaintiff-Appellee,

4

**No. A-1-CA-42905**

5 | SCOTT MOZLEY,

6 | Defendant-Appellant.

## 7 | APPEAL FROM THE DISTRICT COURT OF OTERO COUNTY

## 8 | Stephen Ochoa, District Court Judge

9 Raúl Torrez, Attorney General  
10 Santa Fe, NM

11 for Appellee

12 | Bennett J. Baur, Chief Public Defender

<sup>13</sup> Kathleen T. Baldridge, Assistant Appellate Defender

14 | Santa Fe, NM

15 | for Appellant

## MEMORANDUM OPINION

17 | ATTREP, Judge.

18 {1} This matter was submitted to the Court on the brief in chief pursuant to the

<sup>19</sup> Administrative Order for Appeals in Criminal Cases from the Second, Eleventh, and

<sup>20</sup> Twelfth Judicial District Courts in *In re Pilot Project for Criminal Appeals*, No.

<sup>21</sup> 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.

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 a conviction, following a jury trial, of conspiracy to bring  
4 contraband into a jail, arguing that the State failed to introduce sufficient evidence  
5 of a conspiratorial agreement. [BIC 20, 25-28] When reviewing the sufficiency of  
6 evidence, this Court must determine “whether substantial evidence of either a direct  
7 or circumstantial nature exists to support a verdict of guilty beyond a reasonable  
8 doubt with respect to every element essential to a conviction.” *State v. Montoya*,  
9 2015-NMSC-010, ¶ 52, 345 P.3d 1056 (internal quotation marks and citation  
10 omitted). The reviewing court “view[s] the evidence in the light most favorable to  
11 the guilty verdict, indulging all reasonable inferences and resolving all conflicts in  
12 the evidence in favor of the verdict.” *State v. Cunningham*, 2000-NMSC-009, ¶ 26,  
13 128 N.M. 711, 998 P.2d 176.

14 {3} At trial, the State established that a package containing contraband was found  
15 under a sink in the women’s restroom of the Otero County Detention Center lobby  
16 immediately after Defendant’s girlfriend and her friend visited and used the lobby  
17 restroom, as confirmed by surveillance camera recordings. [BIC 2-3, 8] Detention  
18 officers replaced the contraband package with a substitute, which was subsequently  
19 picked up by one of Defendant’s fellow inmates on a work assignment. [BIC 4]

1 {4} To connect Defendant to the fellow inmate who retrieved the package and  
2 establish a conspiratorial agreement, the State introduced recorded phone calls  
3 between Defendant and his girlfriend, as well as testimony from an officer who had  
4 listened to the calls. [BIC 9-10] During one of the calls, Defendant and his girlfriend  
5 discussed having “the clear glass window” and “coffee” without context, which the  
6 officer testified meant methamphetamine and heroin, respectively. [BIC 11-13]  
7 During another call, Defendant called out to the fellow inmate, “it’s gonna be the  
8 opposite sex.” The State presented testimony that this statement was part of a code  
9 meant to inform the other inmate that the package would be left in the women’s  
10 restroom. [BIC 11] Other recorded jail calls involved discussions confirming that  
11 the girlfriend and friend dropped off the package at “8:05” as confirmed by video  
12 surveillance and dealing with concerns about prison authorities apprehending the  
13 fellow inmate after he retrieved the fake package from the lobby restroom. [BIC 13,  
14 15-16]

15 {5} This evidence and testimony was sufficient for a reasonably jury to determine  
16 that Defendant entered into a conspiratorial agreement with his girlfriend and her  
17 friend with the intent to bring contraband into the jail. Though Defendant claims  
18 there was no evidence of Defendant possessing drugs and Defendant did not have  
19 access to the women’s restroom in the lobby [BIC 19], the State did not have to  
20 prove that he possessed drugs or accessed the restroom. Instead, the State had to

1 prove that Defendant intentionally agreed with someone else, “by words or acts. . .  
2 to commit bringing contraband into jail.” [2 RP 365] The State met that burden by  
3 introducing telephone calls tending to show that Defendant coordinated the  
4 contraband’s delivery between himself, his girlfriend, his girlfriend’s friend, and the  
5 fellow inmate. Insofar as the jury was required to infer the meaning of any words in  
6 those calls, such an inference was reasonable in light of the officer’s testimony. *See*  
7 *State v. Revels*, 2025-NMSC-021, ¶ 57, 572 P.3d 974 (“A reasonable inference is a  
8 conclusion arrived at by a process of reasoning which is a rational and logical  
9 deduction from facts admitted or established by the evidence.” (internal quotation  
10 marks and citation omitted)). This is not a situation of “stacking inferences,” but at  
11 most a single, direct inference regarding the meaning of Defendant’s own words. *Cf.*  
12 *State v. Slade*, 2014-NMCA-088, ¶ 14, 331 P.3d 930 (warning against “an overly  
13 attenuated piling of inference on inference” (internal quotation marks and citation  
14 omitted)).

15 {6} For the forgoing reasons, we affirm.

16 {7} **IT IS SO ORDERED.**

17  
18   
JENNIFER L. ATTREP, Judge

1 WE CONCUR:

2 Jacqueline R. Medina

3 ACQUELINE R. MEDINA, Chief Judge

4 Gerald E. Baca

5 GERALD E. BACA, Judge