

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

Court of Appeals of New Mexico
Filed 5/21/2026 9:30 AM

2 **STATE OF NEW MEXICO,**

3 Plaintiff-Appellee,



Mark Reynolds

4 v.

No. A-1-CA-42198

5 **REID URIAH MENELEE,**

6 Defendant-Appellant.

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

8 **Lee A. Kirksey, District Court Judge**

9 Raúl Torrez, Attorney General

10 Santa Fe, NM

11 Lee Green, Assistant Solicitor General

12 Albuquerque, NM

13 for Appellee

14 Bennett J. Baur, Chief Public Defender

15 Tania Shahani, Assistant Appellate Defender

16 Santa Fe, NM

17 for Appellant

18 **MEMORANDUM OPINION**

19 **YOHALEM, Judge.**

20 {1} Defendant Reid Uriah Menefee appeals his conviction for felony larceny

21 (over \$500), in violation of NMSA 1978, Section 30-16-1(D) (2006). Defendant

22 argues: (1) an electrician's verbal estimate of the cost of replacing the stolen copper

23 wire was insufficient to allow the jury to reasonably conclude that the "market value"

1 of the stolen copper wire was over \$500; (2) the district court erred in failing to sua
2 sponte instruct the jury on the definition of “market value”; (3) the district court
3 erred by failing to instruct the jury that the electrician’s written report was “missing
4 evidence” that allowed the jury to draw an inference adverse to the State; (4) the
5 evidence identifying Defendant was insufficient; and (5) cumulative error warrants
6 reversal. We affirm.

7 **BACKGROUND**

8 {2} Law enforcement arrested and charged Defendant with felony larceny of
9 copper wire from a ConocoPhillips oilfield battery. At trial, Defendant was
10 identified from surveillance footage taken by cameras at the site of the theft. The
11 lower part of Defendant’s face was masked in the photographs, but the security
12 specialist at the ConocoPhillips facility and the sheriff’s investigator viewing the
13 photographs both identified Defendant as the man in the photographs at trial. The
14 surveillance video and still photographs taken from the video were introduced into
15 evidence at trial and reviewed by the jury.

16 {3} The State’s evidence of the market value of the stolen copper wire was
17 introduced through the testimony of ConocoPhillips’ security officer, who stated that
18 he had obtained a cost of replacing the cut wire of “around \$1,800” from an
19 electrician employed by ConocoPhillips. Defendant did not request and the district
20 court did not give the jury UJI 14-1602 NMRA, which defines “market value.”

1 **I. The Jury Was Sufficiently Instructed and the Evidence Was Sufficient to**
2 **Prove That the Stolen Copper Wire Had a Market Value Above \$500**

3 {4} On appeal, Defendant challenges whether the State introduced sufficient
4 evidence to prove that the copper wire taken from the ConocoPhillips oilfield battery
5 had a market value over \$500, a required element of felony larceny. Defendant
6 claims that the lack of a jury instruction on the meaning of “market value”
7 contributed to the jury’s error in finding this element satisfied.

8 {5} We first address the alleged error in instructing the jury. Defendant concedes
9 that he did not request that the jury be given the definitional instruction on “market
10 value” in UJI 14-1602. We therefore review his claim of error in instructing the jury
11 for fundamental error. *See* Rule 12-321(B)(2)(c) NMRA.

12 {6} Our fundamental error analysis requires us to first determine whether it would
13 have been error to refuse to give the instruction had it been requested by Defendant.
14 *See State v. Barber*, 2004-NMSC-019, ¶ 9, 135 N.M. 621, 92 P.3d 633 (determining
15 first whether the defendant would have been entitled to the instruction had they
16 requested it). If it would have been error, we must then determine if the error
17 implicated “a fundamental unfairness within the system that would undermine
18 judicial integrity if left unchecked.” *Id.* ¶ 18. We assume that, had this instruction
19 been requested by Defendant, it would have been error for the district court to refuse
20 to give this instruction. We, therefore, must ask whether the district court’s failure
21 to define market value for the jury caused a “fundamental unfairness” in Defendant’s

1 trial. Generally, the failure to instruct on a definition of an essential element, even
2 when called for in an official UJI use note, as is the case with the definition of market
3 value, does not rise to the level of fundamental error. *Id.* ¶ 20.

4 {7} Defendant has not persuaded us that there is a reason to deviate from this
5 general rule here. “Market value” is defined in UJI 14-1602 as “the price at which
6 the property could ordinarily be bought or sold at the time of the alleged [theft].”
7 This definition is consistent with the common understanding of the term as meaning
8 the sale or purchase value. This is not a case, as explained below, where there was
9 evidence showing that the sale or purchase value of copper wire fluctuated widely
10 from day-to-day so that the jury needed to be informed that the date of the theft was
11 a significant factor in determining its value. We therefore are not persuaded that the
12 failure to give this definitional instruction had the kind of significant impact on the
13 proceedings required for fundamental error.

14 {8} We next address the sufficiency of the evidence to establish a market value
15 for the copper wire above the statutory minimum of \$500 to convict of felony
16 larceny. Our standard of review for sufficiency of the evidence is well established.
17 *See State v. Neatherlin*, 2007-NMCA-035, ¶ 8, 141 N.M. 328, 154 P.3d 703. “The
18 state must prove each element of a charged offense beyond a reasonable doubt.”
19 *State v. Veleta*, 2023-NMSC-024, ¶ 33, 538 P.3d 51. In determining whether the
20 State has offered sufficient evidence to support the jury’s verdict on each element of

1 the charged offense, we first review the evidence in the light most favorable to the
2 verdict, we then determine “whether the evidence viewed in this manner could
3 justify a finding by any rational trier of fact that *each element* of the crime charged
4 has been established beyond a reasonable doubt.” *See State v. Trossman*, 2009-
5 NMSC-034, ¶ 16, 146 N.M. 462, 212 P.3d 350 (emphasis added) (internal quotation
6 marks and citation omitted).

7 {9} Under this standard, we look first at the evidence offered by the State to
8 establish the market value of the copper wire, drawing all reasonable inferences in
9 favor of the verdict and disregarding all evidence and inferences to the contrary. *See*
10 *State v. Rojo*, 1999-NMSC-001, ¶ 19, 126 N.M. 438, 971 P.2d 82 (“[W]e resolve all
11 disputed facts in favor of the [s]tate, indulge all reasonable inferences in support of
12 the verdict, and disregard all evidence and inferences to the contrary.”). The State
13 introduced the evidence of the value of the stolen copper wire through the testimony
14 of ConocoPhillips’s security specialist, Rodney Porter. Mr. Porter described the wire
15 as a grounding wire, running from large steel tanks used to store oil, to a grounding
16 rod. The wire was sheathed with a green-colored material. It was designed to take
17 electricity from a lightning strike on the steel storage tanks safely away and into the
18 ground. Defendant had cut the wire and removed it. Other than the cuts in the wire
19 to facilitate its removal, there was no testimony about damage to the steel tanks, the
20 grounding rod, or the connection points.

1 {10} Asked about Conoco Phillips's procedure for determining "the value of the
2 copper which is actually missing," Mr. Porter testified as follows:

3 Porter: We have, we have electricians that work for us that are
4 ConocoPhillips employees and they make a determination, they go out,
5 [and] measure the wire, how much wire is missing; what's it gonna cost
6 to get it put back in.

7 And I called the electrician on this particular theft and asked him what
8 will it cost to put this back in.

9 State: And when they . . . respond to your request, do you have business
10 records that you keep?

11
12 Porter: Yes.

13
14 State: Of that amount?

15
16 Porter: Yes.

17 State: And do you rely on those business records when you handle the
18 further perhaps prosecution of the case?

19 Porter: Yes.

20 State: So were you able to determine an approximate cost of the wire
21 that was taken?

22 Porter: Yes.

23 State: How much was that?

24 Porter: Around \$1,800.

25 {11} Defendant argues that this testimony was insufficient to prove that the stolen
26 copper wire had a market value over \$500 because the \$1,800 was how much "it
27 [was] going to cost to get it put back in." We do not agree. If the value hovered close

1 to the \$500 mark or if there was evidence of substantial repair work needed, there
2 might be some jury confusion about the cost of the wire versus the cost of the
3 electrician's time and labor. Under the circumstances testified to by Mr. Porter, we
4 are not persuaded that the jury considering Mr. Porter's testimony as a whole, could
5 not reasonably believe that his estimate of around \$1,800 was an accurate
6 approximation of the "cost of the wire that was taken." Mr. Porter described the wire
7 as being cut by Defendant. The electrician was described as ConocoPhillips's
8 employee. Mr. Porter's testimony refers to the incident as a "theft," which he
9 reported to law enforcement in an amount of approximately \$1,800. At no time did
10 he describe damage to property. Mr. Porter also described repeated thefts of wire
11 that he was in charge of addressing. This evidence creates an inference that his
12 understanding of the electrician's estimate to represent only the cost of the wire was
13 based on his experience and was, therefore, reliable.

14 {12} Under these circumstances, Defendant's argument that the \$1,800 cost
15 estimate from the electrician could have included more than \$1,300 in repair costs
16 (the amount of repair costs necessary to reasonably infer the cost of the copper wire
17 below the \$500 threshold for felony larceny) is speculation, not supported by a
18 reasonable inference from the evidence in the record. We therefore conclude the
19 evidence was sufficient to support the over \$500 market value of the copper wire.

20 **II. Defendant Has Failed to Show Error in the District Court's Decision**
21 **Denying an Adverse-Inference Instruction**

1 {13} Defendant next claims that the district court erred in failing to give an adverse-
2 inference instruction to the jury. An adverse-inference instruction informs the jury
3 that they are permitted to draw an inference adverse to the State as a remedy for the
4 State's failure to gather, preserve, or produce material evidence. *See State v.*
5 *Chouinard*, 1981-NMSC-096, ¶ 16, 96 N.M. 658, 634 P.2d 680; *State v. Ware*, 1994-
6 NMSC-091, ¶¶ 25-26, 118 N.M. 319, 881 P.2d 679. *Chouinard* and *Ware*, however,
7 provide that an adverse-inference instruction is a remedy that is properly imposed
8 by the district court only when the missing evidence is material to the defense, and
9 the State's conduct was in bad faith or grossly negligent. *See* UJI 14-5062 NMRA.

10 {14} Defendant has not shown that either prong of the *Chouinard/Ware* analysis
11 applies to the electrician's report. Although Defendant argues on appeal that this
12 report is essential to prove Defendant's theory that there were substantial repair costs
13 included in the estimate of the cost of the wire the State knew about and was hiding
14 from the jury in bad faith, Defendant did not object to Mr. Porter's testimony that
15 the value of the copper wire was approximately \$1,800, did not cross-examine Mr.
16 Porter about the breakdown of the charges on the invoice, or even ask if there were
17 any labor costs included in the \$1,800 reported cost. There is simply no evidence in
18 the record suggesting that the \$1,800 written valuation was either materially
19 different from Mr. Porter's testimony or that it was withheld by the State in bad faith.
20 We therefore are not persuaded that the district court erred in denying an adverse-

1 inference instruction. *See State v. Aragon*, 1999-NMCA-060, ¶ 10, 127 N.M. 393,
2 981 P.2d 1211 (stating that we presume correctness in the trial court’s rulings and
3 the burden is on the appellant to demonstrate trial court error).

4 **III. Sufficient Evidence, Including the Testimony of Two Witnesses, Supports**
5 **the Identification of Defendant**

6 {15} We next address the sufficiency of the evidence to establish Defendant’s
7 identity. We have already stated our standard for sufficiency of the evidence above,
8 and do not repeat it here. Defendant argues that the State’s proof of his identity
9 through the testimony of two witnesses who identified Defendant as the man shown
10 in the surveillance video was insufficient because the man was partially masked, the
11 video was unclear, and there was no corroborating evidence linking Defendant to
12 the crime.

13 {16} The State introduced evidence of Defendant’s identity through the testimony
14 of Mr. Porter and Investigator Rex Fleetwood. Mr. Porter identified Defendant and
15 testified that he had known Defendant since he was “ten or twelve years old,”
16 although he had not seen him recently. Investigator Fleetwood also identified
17 Defendant and testified that he had seen Defendant not too long before this incident
18 and had been “face to face” with him in an unrelated matter. Further, the jury was
19 shown the surveillance photographs.

20 {17} Defendant’s argument is, at base, a challenge to the credibility of the
21 witnesses. Our courts have previously established that it is the role of the jury to

1 determine the witnesses' credibility. *See State v. Salas*, 1999-NMCA-099, ¶ 13, 127
2 N.M. 686, 986 P.2d 482; *see also State v. Smith*, 2001-NMSC-004, ¶ 16, 130 N.M.
3 117, 19 P.3d 254 (“[I]n New Mexico, it is the fact[-]finder that determines
4 credibility.”). We will not second guess on appeal the jury’s determination that this
5 testimony was credible. Therefore, we hold there was sufficient evidence for the jury
6 to find the identification of Defendant accurate in this case.

7 **IV. Cumulative Error**

8 {18} Having found no error, we do not consider Defendant’s claim under our
9 cumulative error doctrine. *See Aragon*, 1999-NMCA-060, ¶ 19 (holding that where
10 there is no error, there cannot be cumulative error).

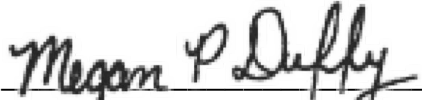
11 **CONCLUSION**

12 {19} We affirm the judgment of the district court.

13 {20} **IT IS SO ORDERED.**

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15 _____
16 **JANE B. YOHALEM, Judge**

16 **WE CONCUR:**

17 
18 _____
19 **MEGAN P. DUFFY, Judge**

19 
20 _____
21 **SHAMMARA H. HENDERSON, Judge**