

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

STATE OF NEW MEXICO,

Court of Appeals of New Mexico
Filed 8/18/2026 10:46 AM

Plaintiff-Appellee,


Mark Reynolds

v.

No. A-1-CA-43269

JACOB ANTONE,

Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF MCKINLEY COUNTY

Douglas W. Decker, District Court Judge

Raúl Torrez, Attorney General
Santa Fe, NM

for Appellee

Bennett J. Baur, Chief Public Defender
Santa Fe, NM
Mark A. Peralta-Silva, Assistant Appellate Defender
Albuquerque, NM

for Appellant

MEMORANDUM OPINION

BACA, Judge.

{1} This matter was submitted to the Court on the brief in chief pursuant to the
Administrative Order for Appeals in Criminal Cases from the Second, Eleventh, and
Twelfth Judicial District Courts in *In re Pilot Project for Criminal Appeals*, No.
2022-002, effective November 1, 2022. Having considered the brief in chief,
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 the district court’s judgment and sentence, convicting him
4 of two counts of battery on a peace officer and one count of resisting, evading, or
5 obstructing an officer. [2 RP 312-14] On appeal, Defendant challenges the
6 sufficiency of the evidence to support his convictions of battery on a peace officer.
7 [BIC 7-8]

8 {3} When assessing the sufficiency of the evidence to support a conviction, “we
9 view the evidence in the light most favorable to the guilty verdict, indulging all
10 reasonable inferences and resolving all conflicts in the evidence in favor of the
11 verdict.” *State v. Samora*, 2016-NMSC-031, ¶ 34, 387 P.3d 230 (internal quotation
12 marks and citation omitted). We disregard all evidence and inferences that support
13 a different result. *See State v. Rojo*, 1999-NMSC-001, ¶ 19, 126 N.M. 438, 971 P.2d
14 829. “We then determine whether substantial evidence of either a direct or
15 circumstantial nature exists to support a verdict of guilt beyond a reasonable doubt
16 with respect to every element essential to a conviction.” *State v. Garcia*, 2016-
17 NMSC-034, ¶ 15, 384 P.3d 1076 (internal quotation marks and citation omitted).

18 {4} In the present case, Defendant contends the evidence was insufficient to prove
19 that he battered Officers Molina and Bowannie, given Defendant’s own unequivocal
20 testimony that he did not kick, punch, or slap the officers. [BIC 8] The jury

1 instructions for the battery against Officer Molina required the jury to consider
2 whether the State proved beyond a reasonable doubt that Defendant kicked Officer
3 Molina in the face and chest more than two times. [1 RP 244] *See State v. Smith*,
4 1986-NMCA-089, ¶ 7, 104 N.M. 729, 726 P.2d 883 (“Jury instructions become the
5 law of the case against which the sufficiency of the evidence is to be measured.”).
6 For the battery against Officer Bowannie, the jury was required to consider whether
7 Defendant kicked Officer Bowannie in the chest more than two times beyond a
8 reasonable doubt. [1 RP 245] *Id.*

9 {5} At trial, both officers testified that Defendant fought with them and kicked
10 them both when they tried to seize Defendant and when they tried to place Defendant
11 in the patrol vehicle. [BIC 3-4] The officers’ testimony indicated that Officer Molina
12 was more severely battered during the encounter with Defendant, including when
13 Defendant kicked Officer Molina in the chin and chest and knocked him to the
14 ground. [BIC 3] We also observe that Defendant’s mother testified that Defendant
15 suffered from schizophrenia and was intoxicated at the time of the incident. [BIC 5]
16 Defendant’s argument on appeal acknowledges that the officers testified consistently
17 with the State’s theory, but contends that, in light of his own unequivocal testimony
18 and the lack of video, photographic, and documentary evidence to support the
19 officers’ version of events, the officers’ testimony was insufficient to prove they
20 were battered by Defendant. [BIC 4, 8] We disagree.

1 {6} The jury was free to consider Defendant’s and the officers’ version of the
2 facts, and it was free to reject some or all of the witnesses’ testimony. *See Rojo*,
3 1999-NMSC-001, ¶ 19 (“Contrary evidence supporting acquittal does not provide a
4 basis for reversal because the jury is free to reject [the d]efendant’s version of the
5 facts.”). This is because it is the role of the jury, as the finder of fact, to weigh the
6 inconsistencies in the evidence, resolve the conflicts in the testimony, and determine
7 the credibility of the witnesses. *See State v. Salas*, 1999-NMCA-099, ¶ 13, 127 N.M.
8 686, 986 P.2d 482 (stating that it is for the fact-finder to resolve conflicts in the
9 evidence and determine where the weight and credibility lie). On appeal, we do not
10 reweigh the evidence, and we may not substitute our judgment for that of the fact-
11 finder, as long as there is sufficient evidence to support the verdict. *See State v.*
12 *Griffin*, 1993-NMSC-071, ¶ 17, 116 N.M. 689, 866 P.2d 1156. As we routinely state,
13 “the testimony of a single witness may legally suffice as evidence to support a jury’s
14 verdict.” *State v. Hamilton*, 2000-NMCA-063, ¶ 20, 129 N.M. 321, 6 P.3d 1043
15 (alteration, internal quotation marks, and citation omitted). Defendant’s contention
16 that his testimony and the lack of video, photographic, and documentary evidence
17 should outweigh the officers’ testimony would require us to engage in the prohibited
18 practices of determining credibility and weighing the evidence by considering “the
19 degree to which evidence proves or disproves a fact.” *See State v. Valencia*,
20 ____NMSC____, ¶ 19, ____ P.3d ____, (S-1-SC-40141, Feb. 16, 2026). We decline to

1 do so. The officers' testimony in the present case was adequate proof of the batteries.

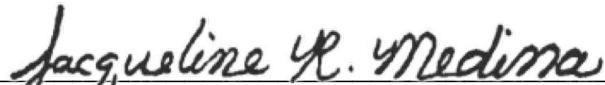
2 *See Hamilton*, 2000-NMCA-063, ¶ 20.

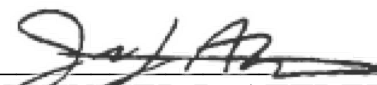
3 {7} Viewing the evidence in the light most favorable to the jury's verdict and
4 disregarding evidence and inferences contrary to the jury's verdict, we hold that the
5 State's evidence was sufficient to support Defendant's convictions of battery on a
6 peace officer. *See Samora*, 2016-NMSC-031, ¶ 34; *Rojo*, 1999-NMSC-001, ¶ 19.
7 Thus, we affirm the district court's judgment and sentence.

8 {8} **IT IS SO ORDERED.**

9
10 
GERALD E. BACA, Judge

11 **WE CONCUR:**

12 
13 **JACQUELINE R. MEDINA, Chief Judge**

14 
15 **JENNIFER L. ATTREP, Judge**