

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

Court of Appeals of New Mexico
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STATE OF NEW MEXICO,

Plaintiff-Appellee,

v.

No. A-1-CA-42680

TAYLOR LITTLETON,

Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF CIBOLA COUNTY

George P. Eichwald, District Court Judge

Raúl Torrez, Attorney General

Santa Fe, NM

Sarah M. Karni, Assistant Solicitor General

Albuquerque, NM

for Appellee

Bennett J. Baur, Chief Public Defender

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Santa Fe, NM

for Appellant

MEMORANDUM OPINION

WRAY, Judge.

{1} Defendant Taylor Littleton was convicted of shooting at a motor vehicle
resulting in great bodily harm, contrary to NMSA 1978, Section 30-3-8(B) (1993),
and aggravated fleeing of a law enforcement officer, contrary to NMSA 1978,
Section 30-22-1.1(B) (2022). The convictions arose after a bystander testified that

1 five quick gunshots were heard after the driver of a white Mustang had pulled off
2 from the highway and approached what appeared to be a disabled van. Law
3 enforcement witnesses testified that shortly afterward, a white Mustang evaded law
4 enforcement, the driver eventually abandoned the Mustang to flee on foot, and
5 Defendant was later discovered hiding in a nearby dumpster. Evidence in the
6 Mustang connected Defendant to the Mustang and the Mustang to the shooting.
7 Ballistics evidence later connected a pistol that was found near the Mustang with
8 bullet fragments that were taken from Victim, who was found in the van, and bullet
9 casings found at the scene. On appeal, Defendant challenges only the sufficiency of
10 the evidence to uphold the verdict of guilty for shooting at a motor vehicle. *See* § 30-
11 3-8(B). As we explain, we affirm.

12 **DISCUSSION**

13 {2} Because this is a memorandum opinion and the parties are familiar with the
14 relevant facts, we proceed directly with our analysis. Defendant concedes that there
15 was sufficient evidence that he shot Victim. Nevertheless, Defendant maintains that
16 because no witness observed the shooting, no evidence demonstrates that Defendant
17 specifically shot at the van and the State therefore provided insufficient evidence
18 that Defendant “willfully shot a firearm *at a motor vehicle*.” *See* UJI 14-344 NMRA
19 (emphasis added); *State v. Arrendondo*, 2012-NMSC-013, ¶ 18, 278 P.3d 517
20 (noting that the “jury instructions become the law of the case against which the

1 sufficiency of the evidence is to be measured” (alteration, internal quotation marks,
2 and citation omitted)). Defendant relies on *State v. Comitz*, 2019-NMSC-011, ¶¶ 18-
3 22, 443 P.3d 1130, which reversed a conviction for shooting at a dwelling under
4 Section 30-3-8(A) because the evidence only demonstrated that the people in front
5 of a dwelling were targeted and not the dwelling itself, and *Arrendondo*, 2012-
6 NMSC-013, ¶¶ 36-37, which upheld a conviction for shooting at a dwelling when
7 the evidence established that a defendant intentionally shot into the dwelling. Based
8 on these cases and the evidence presented, Defendant argues that (1) the State did
9 not prove that Victim was shot while inside the van; (2) it was just as likely that
10 Victim was shot while standing outside of the van; and (3) as a result, the State did
11 not show that the van was the “principal target.” *Cf. Comitz*, 2019-NMSC-011, ¶ 22
12 (explaining that a dwelling is considered the “principal target” when evidence shows
13 a defendant “directly aimed at the house”). Assuming without deciding that our
14 Supreme Court’s analysis in *Comitz* extends to shooting at a motor vehicle and
15 applying our familiar standard of review, the evidence supported the jury’s verdict.
16 *See id.* ¶ 16 (considering the sufficiency of the evidence “in the light most favorable
17 to the guilty verdict, indulging all reasonable inferences and resolving all conflicts
18 in the evidence in favor of the verdict” (internal quotation marks and citation
19 omitted)).

1 {3} Circumstantial evidence supported a reasonable inference that Defendant shot
2 Victim while Victim was in the van. Although Defendant is correct that in our
3 evaluation of the record we cannot fill gaps of evidence with “cynical speculation”
4 about Defendant and “cannot sanction a view that assumes the worst about human
5 nature,” *see State v. Mariano R.*, 1997-NMCA-018, ¶ 7, 123 N.M. 121, 934 P.2d
6 315, we also “do not evaluate the evidence to determine whether some hypothesis
7 could be designed which is consistent with a finding of innocence, and we do not
8 weigh the evidence or substitute our judgment for that of the fact[-]finder so long as
9 there is sufficient evidence to support the verdict,” *see Comitz*, 2019-NMSC-011,
10 ¶ 16 (internal quotation marks and citation omitted). We simply determine whether
11 the State presented the jury with “relevant evidence that a reasonable mind might
12 accept as adequate to support a conclusion.” *See id.* In the present case, the bystander
13 testified that the Mustang driver intentionally approached Victim by backing the
14 Mustang closer to the van and then walking toward the van. Very shortly afterward,
15 the bystander heard several shots rapidly fired, saw the van veer off into the dirt, and
16 watched as the Mustang then accelerated past on the shoulder.¹ Lapel footage and

¹Law enforcement witnesses additionally testified about the flight of the Mustang and Defendant’s apprehension. Defendant argues that even if the flight evidence permits an inference of consciousness of guilt, that evidence could only support a conclusion that he shot Victim and not how or where Victim was shot. To the extent that this evidence does not establish that Defendant shot *at* the van, we note its relevance to Defendant having been at and fled from the location where Victim was found shot. *See State v. Veleta*, 2023-NMSC-024, ¶ 7, 538 P.3d 51

1 testimony showed that Victim was found sitting in the passenger seat of the van, shot
2 twice in the chest. Law enforcement witnesses testified that there was a bullet hole
3 in the windshield of the van and a bullet hole in the back door of the van. The State
4 provided testimony by a forensic expert that connected a pistol abandoned near the
5 Mustang to a bullet casing found in the Mustang, three bullet casings found by the
6 van, and a bullet fragment stuck in Victim's chest.

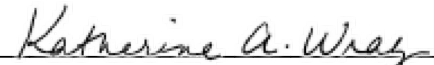
7 {4} Rather than unreasonably piling inferences, speculations, or conjectures, as
8 Defendant suggests, the evidence supported a reasonable conclusion that Defendant
9 shot Victim inside the van. *See State v. Slade*, 2014-NMCA-088, ¶ 14, 331 P.3d 930
10 (“A reasonable inference is a conclusion arrived at by a process of reasoning which
11 is a rational and logical deduction from facts admitted or established by the
12 evidence.” (alteration, internal quotation marks, and citation omitted)). We conclude
13 that substantial evidence supported the verdict that Defendant shot at a motor
14 vehicle. *See State v. Revels*, 2025-NMSC-021, ¶¶ 58-60, 572 P.3d 974 (concluding
15 the defendant shot at a motor vehicle based on a “chain of reasoning [that] was either
16 premised on admitted evidence or a rational and logical deduction from those facts”).

(“Flight evidence is admissible because it tends to show consciousness of guilt.”
(alteration, internal quotation marks, and citation omitted)); *State v. Slade*, 2014-
NMCA-088, ¶¶ 28-29, 331 P.3d 930 (explaining flight evidence may be indicative
of some involvement in a crime but is not indicative of the defendant's state of mind
before the crime).

1 **CONCLUSION**

2 {5} We affirm.

3 {6} **IT IS SO ORDERED.**

4 
5 **KATHERINE A. WRAY, Judge**

6 **WE CONCUR:**

7 
8 **J. MILES HANISEE, Judge**

9 
10 **SHAMMARA H. HENDERSON, Judge**