

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

Court of Appeals of New Mexico
Filed 9/14/2026 10:46 AM



Mark Reynolds

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v.

No. A-1-CA-43477

ANDREW SALAS,

Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF LINCOLN COUNTY

John P. Sugg, District Court Judge

Raúl Torrez, Attorney General
Santa Fe, NM

for Appellee

Bennett J. Baur, Chief Public Defender
Geran D. Landen, Assistant Appellate Defender
Santa Fe, 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} Following a jury trial, by which Defendant was found guilty of one count of
4 battery on a health care worker, the district court entered judgment that deferred
5 sentencing on the condition that Defendant serve two years on supervised probation.
6 [RP 147-51] On appeal, Defendant challenges the sufficiency of the evidence to
7 support the jury’s finding of guilt for battery on a health care worker. [BIC 6-7]

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

18 {4} In the present case, Defendant asserts that Mr. Bullion, the victim, was not a
19 “health care worker” within the meaning of NMSA 1978, Section 30-3-9.2(A)(2)
20 (2006)—the statute criminalizing battery against a health care worker—because Mr.

1 Bullion was not a medical professional. [BIC 6] Section 30-3-9.2(A)(2) defines
2 “health care worker,” in pertinent part, as “an employee of a health facility.” In *State*
3 *v. Valino*, 2012-NMCA-105, ¶¶ 11-12, 287 P.3d 372, this Court held that a security
4 guard who was employed by a health care facility was a “health care worker” for
5 purposes of Section 30-3-9.2(A)(2), even though the security guard was not a
6 medical professional, based on the plain language of the statute and because the
7 purpose of the statute is to protect those providing health care services.

8 {5} In the current case, the State presented evidence that Mr. Bullion was
9 employed as a security guard by the Lincoln County Medical Center (LCMC)—a
10 Presbyterian Healthcare Services hospital—at the time when Defendant had been
11 taken to LCMC to receive medical care. [BIC 2-3; 10-30-2025 CD 11:35:00-
12 11:36:00] Mr. Bullion testified that his duties at the hospital are mainly to secure the
13 safety of the hospital staff so the patients can receive treatment. [10-30-2025 CD
14 11:34:56-11:35:46] Mr. Bullion testified that he was executing those duties at the
15 time of the encounter with Defendant. [Id. 11:35:19-46] Because Mr. Bullion was
16 employed by a health care facility and was acting within his duties of protecting
17 health care workers at the facility, we hold that Mr. Bullion was a “health care
18 worker” for purposes of Section 30-3-9.2(A)(2). *See Valino*, 2012-NMCA-105,
19 ¶¶ 11-12.

1 {6} Defendant also claims that, even if Mr. Bullion was a health care worker, the
2 evidence was insufficient to prove that Defendant knew Mr. Bullion was a health
3 care worker, as was required by the jury instruction and case law. [BIC 6-7; RP 118]
4 *See id.* ¶ 17 (concluding that “the Legislature intended for a defendant to act with
5 knowledge of the victim’s identity before facing a felony conviction for battery upon
6 a health care worker”). New Mexico courts routinely acknowledge that “[d]irect
7 evidence of knowledge and intent are rarely available[,]” and, therefore, knowledge
8 and intent are often proved by circumstantial evidence from which the jury could
9 infer knowledge or intent. *State v. Ortiz*, 2017-NMCA-006, ¶ 23, 387 P.3d 323; *see*
10 *State v. Nozie*, 2009-NMSC-018, ¶ 32, 146 N.M. 142, 207 P.3d 1119 (“[B]ecause an
11 individual’s intent is seldom subject to proof by direct evidence, intent may be
12 proved by circumstantial evidence.” (internal quotation marks and citation omitted)).
13 Circumstantial evidence of a victim’s identity may include wearing a uniform,
14 having a visible badge or other identifying symbol, or any other relevant
15 circumstances that could reasonably indicate the victim’s identity. *See, e.g., Nozie*,
16 2009-NMSC-018, ¶ 32 (providing some examples of circumstantial evidence
17 showing the victim’s identity as a peace officer).

18 {7} In the present case, the State presented evidence that Mr. Bullion was wearing
19 a uniform, consisting of a blue jacket that read “security” on the front and back; a
20 blue hat with the Presbyterian Healthcare Services logo on the front, which has three

1 interlocking triangles; and a carrier vest that read “security.” [Id. 11:42:26-11:43:28,
2 1:35:09-1:35:15; BIC 3] Mr. Bullion testified that he first made contact with
3 Defendant by escorting Defendant upon his arrival to the hospital. [10-30-2025 CD
4 11:29:10-11:25:25] Mr. Bullion also helped to escort Defendant from the mobile
5 CAT scan trailer (CT trailer) adjacent to the hospital building back to Room 14—a
6 room inside the emergency room (ER) of the hospital building. [Id. 11:29:25-38,
7 11:30:10-11:31:02] Mr. Bullion explained that he was part of a hospital team that
8 used a hospital transport gurney to move Defendant from the CT trailer. [Id.
9 11:29:38-11:30:00, 11:30:10-11:31:02] Mr. Bullion testified that Defendant was
10 very belligerent at the time and had focused his attention onto Mr. Bullion, by staring
11 him down and threatening to harm him. [Id. 11:29:57-11:30:35]

12 {8} When Mr. Bullion returned Defendant to Room 14 in the ER, uniformed
13 nursing staff remained with Defendant and Mr. Bullion throughout the rest of Mr.
14 Bullion’s encounter with Defendant. [Id. 11:33:08-29; BIC 3] In Room 14, as
15 hospital staff and Mr. Bullion were attempting to move Defendant from the gurney
16 to the hospital bed, Defendant maintained his attention and eye contact solely on Mr.
17 Bullion. [BIC 3] As Mr. Bullion attempted to take a blanket off of Defendant,
18 Defendant leaned forward and struck Mr. Bullion on the side of the head, knocking
19 off Mr. Bullion’s Presbyterian hat. [Id.; 10-30-2025 CD 11:32:19-30] While Mr.
20 Bullion and another security guard secured Defendant’s arms, Defendant continued

1 to threaten Mr. Bullion, then Defendant spit on him. [BIC 3; 10-30-2025 CD
2 11:32:34-11:33:05] The nurses in scrubs were also helping and applying restraints
3 on Defendant, while hospital security was trying to hold down Defendant so he could
4 not struggle out of the restraints and hit someone else. [10-30-2025 CD 1:39:07-
5 1:39:35] The jury was shown a video recording of the encounter that occurred in
6 Room 14. [10-30-2025 CD 1:33:52-1:41:30]

7 {9} This evidence shows that Mr. Bullion was engaged in the duties of the hospital
8 and acting as an employee of the hospital with other hospital staff from the time of
9 Defendant's arrival. Mr. Bullion was coordinating with other hospital staff and
10 acting in concert with them to assist Defendant, escort Defendant to various areas of
11 the hospital, move Defendant onto a hospital bed, and to secure Defendant to
12 facilitate Defendant's treatment without anyone getting injured. Mr. Bullion
13 performed his duties of assisting Defendant and ensuring the safety of hospital staff
14 to provide treatment, even though Defendant was belligerent with Mr. Bullion and
15 personally threatening him. Mr. Bullion was wearing a uniform while he performed
16 these hospital functions—a security carrier vest, a blue security jacket, and a blue
17 hat bearing the symbol of Presbyterian Healthcare Services. Additionally, Defendant
18 observed Mr. Bullion in close proximity for an extended period of time, fixating on
19 him and even knocking off Mr. Bullion's hat, making Mr. Bullion's uniform,
20 including the Presbyterian emblem, clearly observable by Defendant.

1 {10} We conclude that the jury could reasonably infer from all these circumstances,
2 and its own observations of the video recording of the encounter in Room 14, that
3 Defendant knew Mr. Bullion was an employee of the hospital and therefore a health
4 care worker as defined by the statute and jury instruction. *See State v. Jiminez*, 2017-
5 NMCA-039, ¶ 48, 392 P.3d 668 (“Knowledge may be proved by circumstantial
6 evidence, and the jury is permitted to draw a reasonable inference of knowledge.”);
7 *cf. State v. Muller*, 2022-NMCA-024, ¶¶ 1, 33, 508 P.3d 960 (refusing to reward
8 ignorance of the law and enabling legislatively disfavored behavior where the
9 defendant argued he did not know that the person to whom he furnished alcohol was
10 a minor). Although Defendant argues otherwise, the jury was free to disregard the
11 defense’s version of events and theory of the case. *Rojo*, 1999-NMSC-001, ¶ 19
12 (“Contrary evidence supporting acquittal does not provide a basis for reversal
13 because the jury is free to reject [the d]efendant’s version of the facts.”). “[A]
14 reviewing court will not second-guess the jury’s decision concerning the credibility
15 of witnesses, reweigh the evidence, or substitute its judgment for that of the jury.”
16 *Jiminez*, 2017-NMCA-039, ¶ 52 (internal quotation marks and citation omitted); *see*
17 *State v. Salas*, 1999-NMCA-099, ¶ 13, 127 N.M. 686, 986 P.2d 482 (stating that it
18 is for the fact-finder to resolve conflicts in the evidence and determine where the
19 weight and credibility lie).

1 {11} Viewing the evidence in the light most favorable to the jury's verdict and
2 disregarding evidence and inferences contrary to the jury's verdict, we hold that the
3 State's evidence was sufficient to prove Defendant's guilt of battery on a health care
4 worker. *See Samora*, 2016-NMSC-031, ¶ 34; *Rojo*, 1999-NMSC-001, ¶ 19; *Valino*,
5 2012-NMCA-105, ¶¶ 11-12. Thus, we affirm the district court's judgment and
6 sentence.

7 {12} **IT IS SO ORDERED.**

8 
9 **GERALD E. BACA, Judge**

10 **WE CONCUR:**

11 
12 **J. MILES HANISEE, Judge**

13 
14 **JENNIFER L. ATTREP, Judge**