

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v.

MAURICIO CUEVAS,

Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF LEA COUNTY

Efren A. Cortez, District Court Judge

Raúl Torrez, Attorney General

Santa Fe, NM

for Appellee

Bennett J. Baur, Chief Public Defender

Santa Fe, NM

Steven J. Forsberg, Assistant Appellate Defender

Albuquerque, NM

for Appellant

MEMORANDUM OPINION

HENDERSON, Judge.

{1} Defendant appeals the district court's judgment and sentence, entered after a jury trial, convicting him of aggravated battery against a household member, negligent arson, false imprisonment, and resisting, evading, or obstructing an officer. We issued a notice of proposed disposition, proposing to summarily affirm.

1 Defendant has responded to our notice with a memorandum in opposition. After due
2 consideration, we remain unpersuaded and affirm.

3 {2} In his docketing statement, Defendant challenged the sufficiency of the
4 evidence to support each of his four convictions. In response to our proposed
5 analysis of his issues, Defendant pursues only his claim that because the alleged
6 victim, with whom Defendant had been arguing, was the only witness to the alleged
7 false imprisonment and battery, the witness was biased and her testimony constituted
8 insufficient proof of his actions. [MIO 1] We disagree. As we stated in our calendar
9 notice, our courts routinely explain that “the testimony of a single witness may
10 legally suffice as evidence to support a jury’s verdict.” *State v. Hamilton*, 2000-
11 NMCA-063, ¶ 20, 129 N.M. 321, 6 P.3d 1043 (alteration, internal quotation marks,
12 and citation omitted); *id.* (“Testimony by a witness whom the fact[-]finder has
13 believed may be rejected by an appellate court only if there is a physical
14 impossibility that the statements are true or the falsity of the statement is apparent
15 without resort to inferences or deductions.” (internal quotation marks and citation
16 omitted)). The jury’s verdict indicates that it believed the victim’s testimony about
17 Defendant’s actions, which it was free to do. *See State v. Salas*, 1999-NMCA-099,
18 ¶ 13, 127 N.M. 686, 986 P.2d 482 (recognizing that it is for the fact-finder to resolve
19 any conflict in the testimony of the witnesses and to determine where the weight and
20 credibility lie). Viewing the evidence in the light most favorable to the jury verdict

1 and disregarding all evidence and inferences to the contrary, we hold that the
2 evidence was sufficient to support Defendant's convictions of aggravated battery
3 against a household member and false imprisonment. *See State v. Samora*, 2016-
4 NMSC-031, ¶ 34, 387 P.3d 230 (stating that when assessing the sufficiency of the
5 evidence, "we view the evidence in the light most favorable to the guilty verdict,
6 indulging all reasonable inferences and resolving all conflicts in the evidence in
7 favor of the verdict" (internal quotation marks and citation omitted)); *State v. Rojo*,
8 1999-NMSC-001, ¶ 19, 126 N.M. 438, 971 P.2d 829 (stating that, on appeal, we
9 disregard all evidence and inferences that support a different result).

10 {3} Defendant's memorandum in opposition to our notice does not contest our
11 proposed analysis of the evidence supporting his other convictions. Therefore, the
12 remaining issues Defendant raised in his docketing statement are deemed
13 abandoned. *See Taylor v. Van Winkle's IGA Farmer's Mkt.*, 1996-NMCA-111, ¶ 5,
14 122 N.M. 486, 927 P.2d 41. Because Defendant's response to our notice does not
15 point out specific factual or legal error in our proposed analysis, we conclude that
16 Defendant has not demonstrated error on appeal. *See State v. Mondragon*, 1988-
17 NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating that a party responding to
18 a summary calendar notice must come forward and specifically point out errors of
19 law and fact, and explaining that the repetition of earlier arguments does not fulfill

1 this requirement), *superseded by statute on other grounds as stated in State v.*
2 *Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374.

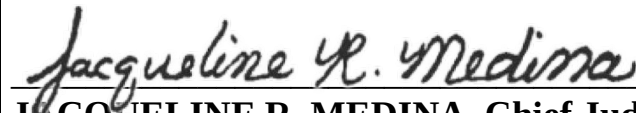
3 {4} For the reasons set forth above and, in our notice, we affirm the district
4 court's judgment and sentence.

5 {5} **IT IS SO ORDERED.**



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7 **SHAMMARA H. HENDERSON, Judge**

8 **WE CONCUR:**

9 

10 **JACQUELINE R. MEDINA, Chief Judge**

11 

12 **GERALD E. BACA, Judge**