

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

Court of Appeals of New Mexico
Filed 9/24/2026 10:04 AM

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v.

No. A-1-CA-42933

MAURICIO CUEVAS,

Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF LEA COUNTY

Mark Sanchez, District Court Judge

Raúl Torrez, Attorney General
Santa Fe, NM

for Appellee

Bennett J. Baur, Chief Public Defender
MJ Edge, Associate Appellate Defender
Santa Fe, NM

for Appellant

MEMORANDUM OPINION

HENDERSON, Judge.

{1} Defendant appeals his conviction for aggravated stalking. [MIO 2] We entered
a calendar notice, proposing to affirm. Defendant filed a memorandum in opposition,
which we have duly considered. Unpersuaded, we affirm.

{2} In our calendar notice, we noted that Defendant's docketing statement did not
provide this Court with enough factual detail to evaluate his claim that there was

1 insufficient evidence to support his conviction. [CN 3] *See Thornton v. Gamble*,
2 1984-NMCA-093, ¶ 18, 101 N.M. 764, 688 P.2d 1268 (holding that an appellant is
3 required to provide all the facts that support affirmance in the docketing statement);
4 *State v. Chamberlain*, 1989-NMCA-082, ¶ 11, 109 N.M. 173, 783 P.2d 483 (stating
5 that where an appellant fails in the obligation under Rule 12-208 NMRA to provide
6 us with a summary of all the facts material to consideration of the issue raised on
7 appeal, we cannot grant relief on the ground asserted). In the absence of the
8 necessary facts, we suggested it was appropriate to rely on the statement
9 accompanying the criminal complaint and the audio log notes of Defendant's trial
10 contained within the record to propose to conclude there was substantial evidence to
11 support Defendant's conviction with respect to every element. [CN 3-6] *See State v.*
12 *Montoya*, 2015-NMSC-010, ¶ 52, 345 P.3d 1056 ("The test for sufficiency of the
13 evidence is whether substantial evidence of either a direct or circumstantial nature
14 exists to support a verdict of guilty beyond a reasonable doubt with respect to every
15 element essential to a conviction." (internal quotation marks and citation omitted)).
16 In his memorandum, Defendant does not dispute that our reliance on the criminal
17 complaint and the audio log notes was improper or otherwise disputes any of the
18 factual details we discussed in our calendar notice.

19 {3} Instead, Defendant asserts that there was insufficient evidence to support the
20 element that Defendant intended to place Victim in reasonable apprehension of

1 bodily harm. [MIO 4] *See* UJI 14-331 NMRA. Relying on the audio log notes,
2 Defendant acknowledges that Victim testified that one of Defendant’s “letters
3 caused her apprehension that he might do something” but contends that “she appears
4 to have received that letter before she obtained the restraining order.” [Id.] Defendant
5 also contends that numerous calls Victim received and ignored from Defendant “do
6 not provide any proof of the required specific intent because they have no content.”

7 {4} However, Defendant does not address the other evidence discussed in the
8 calendar notice that we suggested permitted the jury to infer that Defendant intended
9 to place Victim in reasonable apprehension of bodily harm, including that Defendant
10 had previously “put his hands on” Victim, that Defendant had strangled Victim, and
11 that the physical abuse had stopped because Defendant was incarcerated, but that
12 Victim was “scared of [Defendant]” and “scared something would occur” after
13 receiving the numerous phone calls and the letter. [CN 4-6; RP 115-16] Because
14 Defendant has not addressed this evidence or provided a basis to doubt our proposed
15 conclusion in the calendar notice, we affirm Defendant’s conviction for aggravated
16 stalking. *See State v. Johnson*, 1988-NMCA-029, ¶ 8, 107 N.M. 356, 758 P.2d 306
17 (holding that when a case is decided on the summary calendar, an issue is deemed
18 abandoned when a party fails to respond to the proposed disposition of that issue);
19 *State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating
20 that “[a] party responding to a summary calendar notice must come forward and

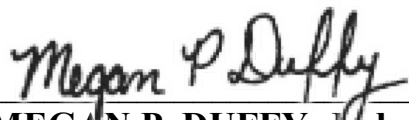
1 specifically point out errors of law and fact” and the repetition of earlier arguments
2 does not fulfill this requirement), *superseded by statute on other grounds as stated*
3 *in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374.

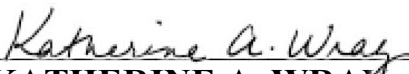
4 {5} Accordingly, and for the reasons stated in our calendar notice, we affirm.

5 {6} **IT IS SO ORDERED.**

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7 
SHAMMARA H. HENDERSON, Judge

8 **WE CONCUR:**

9 
10 **MEGAN P. DUFFY, Judge**

11 
12 **KATHERINE A. WRAY, Judge**