

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

Court of Appeals of New Mexico

Filed 9/28/2026 8:11 AM

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v.

No. A-1-CA-43301

CHRISTOPHER BROWN,

Defendant-Appellant.

**APPEAL FROM THE METROPOLITAN COURT OF BERNALILLO
COUNTY**

Brittany Maldonado Malott, Metropolitan Court Judge

Raúl Torrez, Attorney General

Santa Fe, NM

for Appellee

Bennett J. Baur, Chief Public Defender

Allison H. Jaramillo, Assistant Appellate Defender

Santa Fe, NM

for Appellant

MEMORANDUM OPINION

HENDERSON, Judge.

{1} Defendant appeals his convictions for driving while under the influence of
liquor or drugs (DWI) and failure to maintain the traffic lane. [MIO 10] We entered
a calendar notice, proposing to affirm. Defendant filed a memorandum in opposition,
which we have duly considered. Unpersuaded, we affirm.

1 {2} Our calendar notice proposed to affirm Defendant's convictions because there
2 were two alternative bases for the arresting officer to make an investigatory stop of
3 Defendant's vehicle, there was probable cause to arrest Defendant for DWI, and the
4 trial court did not err in admitting a breath test that presumably established
5 Defendant's alcohol concentration was greater than .08. [CN 3-4, 9] In his
6 memorandum in opposition, Defendant continues to maintain the same assertions of
7 error that were contained in his docketing statement. [MIO 10-22] *See State v.*
8 *Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating that "[a]
9 party responding to a summary calendar notice must come forward and specifically
10 point out errors of law and fact," and the repetition of earlier arguments does not
11 fulfill this requirement), *superseded by statute on other grounds as stated in State v.*
12 *Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374. Consequently, we are unpersuaded that
13 Defendant has demonstrated that the calendar notice was in error and refer
14 Defendant to our analysis therein. *See Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24,
15 124 N.M. 754, 955 P.2d 683 ("Our courts have repeatedly held that, in summary
16 calendar cases, the burden is on the party opposing the proposed disposition to
17 clearly point out errors in fact or law.").

18 {3} Accordingly, we affirm.

1 {4} IT IS SO ORDERED.

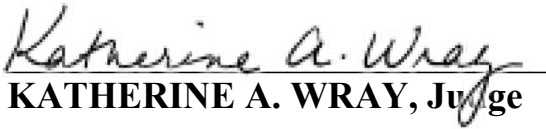


SHAMMARA H. HENDERSON, Judge

4 WE CONCUR:



ZACHARY A. IVES, Judge



KATHERINE A. WRAY, Judge