

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

STATE OF NEW MEXICO,

Court of Appeals of New Mexico
Filed 10/14/2026 7:34 AM

Plaintiff-Appellee,



Mark Reynolds

v.

No. A-1-CA-43554

GALDIENDO LUGO-REZA,

Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY

Cindy Leos, District Court Judge

Raúl Torrez, Attorney General

Santa Fe, NM

for Appellee

Bennett J. Baur, Chief Public Defender

Kathleen T. Baldrige, Assistant Appellate Defender

Santa Fe, NM

for Appellant

MEMORANDUM OPINION

HANISEE, 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} Defendant appeals his conviction, after a jury trial, of misdemeanor criminal
4 damage to property. [BIC 1; RP 85, 93] Defendant contends that the evidence was
5 insufficient to support his conviction. [BIC 1, 8] “[A]ppellate courts review
6 sufficiency of the evidence from a highly deferential standpoint.” *State v. Slade*,
7 2014-NMCA-088, ¶ 13, 331 P.3d 930 (omission, internal quotation marks, and
8 citation omitted). “All evidence is viewed in the light most favorable to the state,
9 and we resolve all conflicts and make all permissible inferences in favor of the jury’s
10 verdict.” *Id.* (alterations, internal quotation marks, and citation omitted). “We
11 examine each essential element of the crimes charged and the evidence at trial to
12 ensure that a rational jury could have found the facts required for each element of
13 the conviction beyond a reasonable doubt.” *Id.* (internal quotation marks and citation
14 omitted). “[A]ppellate courts do not search for inferences supporting a contrary
15 verdict or re[]weigh the evidence because this type of analysis would substitute an
16 appellate court’s judgment for that of the jury.” *Id.* (internal quotation marks and
17 citation omitted).

18 {3} We look to the jury instructions to determine what the jury was required to
19 find in order to convict Defendant beyond a reasonable doubt. *See State v. Holt*,
20 2016-NMSC-011, ¶ 20, 368 P.3d 409 (“The jury instructions become the law of the

1 case against which the sufficiency of the evidence is to be measured.” (alterations,
2 internal quotation marks, and citation omitted)). The jury instructions for criminal
3 damage to property, in pertinent part, required the State to prove beyond a reasonable
4 doubt that Defendant intentionally damaged Victim’s property and that Defendant
5 did not have Victim’s permission to damage the property. [RP 69]

6 {4} According to Defendant’s brief in chief, the following material evidence was
7 presented at trial. Defendant owns a residential property with a gated parking lot.
8 [BIC 1] Victim is a home healthcare worker. [BIC 1] Victim testified that she was
9 visiting her client, who rents an apartment on the property from Defendant. [BIC 1-
10 2] Victim parked her car in the parking lot and left the premises with her client. [BIC
11 2] When Victim returned two hours later, she found all of her car windows broken
12 and all four tires slashed. [BIC 2] Defendant exited the building, walked aggressively
13 toward her, and told her to get off his property. [BIC 2] Victim asked Defendant if
14 he had damaged her car, to which he replied that she was lucky it was only her car.
15 [BIC 2] When she then accused Defendant of damaging her car, he said she had no
16 proof he did it. [BIC 2] Defendant told Victim she had no right to be on his property,
17 and he pushed her. [BIC 2-3] Two bystanders intervened, and one of the bystanders
18 walked away with Defendant. [BIC 3]

19 {5} Defendant does not dispute that the car was damaged. [BIC 9] He only
20 challenges the sufficiency of the evidence to prove he was the person who caused

1 the damage. [BIC 9] Defendant testified that he saw Victim in the lot, he did not
2 know her, and he asked her who she was. [BIC 5] She did not identify herself, but
3 instead accused Defendant of damaging her car. [BIC 5-6] He told her she should
4 have proof before accusing him. [BIC 6] Victim charged at Defendant and tried to
5 hit him with her cellphone. [BIC 6] Victim's client walked up and said, "[T]hat's
6 my social worker." [BIC 6] Victim started crying and then called 911. [BIC 6]
7 Defendant denied telling Victim that she was lucky it was only her car and not her.
8 [BIC 6] He denied damaging the car or knowing who did it. [BIC 6]

9 {6} The jury entered a verdict of guilty on the criminal damage charge. [RP 56]
10 Here, the State presented evidence that the car was parked in a gated lot, Defendant
11 had access to the lot, and he was present on the property around the time the car was
12 damaged. [BIC 1-2] Additionally, when accused of damaging the car, Defendant did
13 not directly deny the accusation. [BIC 2] Instead, Defendant was confrontational,
14 said Victim was lucky it was only her car and that Victim had no proof he did it, and
15 told Victim to get off his property. [BIC 2-3] From this, a fact-finder could
16 reasonably infer that Defendant was the person that damaged the car. *See Slade*,
17 2014-NMCA-088, ¶ 14 ("A reasonable inference is a conclusion arrived at by a
18 process of reasoning which is a rational and logical deduction from facts admitted
19 or established by the evidence" (alteration, internal quotation marks, and citation
20 omitted)).

1 {7} Although Defendant testified Victim was the confrontational one, and
2 Defendant denies damaging the car or making the “lucky” statement, the jury was
3 free to reject Defendant’s version of the facts. *See State v. Rojo*, 1999-NMSC-001,
4 ¶ 19, 126 N.M. 438, 971 P.2d 829 (“Contrary evidence supporting acquittal does not
5 provide a basis for reversal because the jury is free to reject [the d]efendant’s version
6 of the facts.”). Further, it was for the jury to resolve any conflicts and determine
7 weight and credibility of the testimony. *See State v. Salas*, 1999-NMCA-099, ¶ 13,
8 127 N.M. 686, 986 P.2d 482. We do not reweigh the evidence, and we may not
9 substitute our judgment for that of the fact-finder, as long as there is sufficient
10 evidence to support the verdict. *See State v. Griffin*, 1993-NMSC-071, ¶ 17, 116
11 N.M. 689, 866 P.2d 1156.

12 {8} Defendant contends, however, that the only evidence identifying him as the
13 perpetrator of the damage was the “lucky” statement. [BIC 11-13] Defendant
14 contends that statement, even if believed, is alone insufficient to draw an inference
15 that Defendant caused the damage because the statement is equally consistent with
16 his not having caused the damage, and any inference that he did cause the damage
17 would require speculation or conjecture. [BIC 12-16] *See Slade*, 2014-NMCA-088,
18 ¶ 14 (stating that an inference does not support a conviction if it must be buttressed
19 by surmise and conjecture). In support, Defendant cites *State v. Garcia*, 1992-
20 NMSC-048, ¶ 32, 114 N.M. 269, 837 P.2d 862, for the proposition that evidence that

1 supports equally consistent hypotheses of guilt and innocence necessarily
2 demonstrates insufficient evidence. [BIC 14]

3 {9} We are unpersuaded. First, our appellate courts have rejected the “hypotheses
4 of innocence” rule cited by Defendant, because it inevitably intrudes on the jury’s
5 role as fact-finder. *See State v. Garcia*, 2016-NMSC-034, ¶ 24, 384 P.3d 1076
6 (noting that our Supreme Court has rejected the “hypothesis of innocence” rule in
7 favor of a process that requires the appellate court to draw every reasonable inference
8 in favor of the verdict); *State v. Montoya*, 2005-NMCA-078, ¶ 3, 137 N.M. 713, 114
9 P.3d 393 (“When a defendant argues that the evidence and inferences present two
10 equally reasonable hypotheses, one consistent with guilt and another consistent with
11 innocence, our answer is that by its verdict, the jury has necessarily found the
12 hypothesis of guilt more reasonable than the hypothesis of innocence.”).

13 {10} Second, contrary to Defendant’s assertion, the “lucky” statement was not the
14 sole fact presented from which the jury could reasonably infer that Defendant caused
15 the damage. Rather, that statement was coupled with evidence of Defendant’s
16 presence in the parking lot, his failure to deny culpability when confronted by
17 Victim, his aggressive demeanor, and his statement that Victim had no proof that
18 Defendant did it. From these facts, a jury could rationally—rather than
19 speculatively—infer that Defendant caused the damage. *See Slade*, 2014-NMCA-
20 088, ¶ 14. That the facts might support a different inference, or that conflicting

evidence existed, is not sufficient to show that the evidence was insufficient. *See Salas*, 1999-NMCA-099, ¶ 13 (recognizing that it is for the fact-finder to resolve any conflict in the testimony of the witnesses and to determine where the weight and credibility lie).

{11} Consequently, viewing the evidence in the light most favorable to the State, resolving all conflicts and making all permissible inferences in favor of the jury's verdict, we conclude there was sufficient evidence to support the jury's verdict beyond a reasonable doubt that Defendant committed criminal damage to property.

[RP 56] *See Slade*, 2014-NMCA-088, ¶ 13.

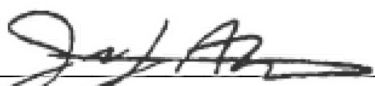
{12} Accordingly, we affirm.

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



J. MILES HANISEE, Judge

WE CONCUR:



JENNIFER L. ATTREP, Judge



SHAMMARA H. HENDERSON, Judge