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1       **IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

2       **STATE OF NEW MEXICO,**

3             Plaintiff-Appellee,

4       v.

**NO. 35,456**

5       **JASON SALAZAR,**

6             Defendant-Appellant.

7       **APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY**

8       **Briana H. Zamora, District Judge**

9       Hector H. Balderas, Attorney General

10       Santa Fe, NM

11       for Appellee

12       Bennett J. Baur, Chief Public Defender

13       Steven J. Forsberg, Assistant Public Defender

14       Santa Fe, NM

15       for Appellant

16                                       **MEMORANDUM OPINION**

17       **WECHSLER, Judge.**

1 {1} Defendant Jason Salazar (Defendant) appeals from the district court's  
2 affirmance of the metropolitan court's bench trial conviction for aggravated driving  
3 while under the influence of intoxicating liquor, first offense. [DS 1; RP 2] In this  
4 Court's notice of proposed disposition, we proposed to affirm Defendant's conviction  
5 and to adopt the memorandum opinion of the district court. [CN 1–2] Defendant filed  
6 a memorandum in opposition, which we have given due consideration. Remaining  
7 unpersuaded, we affirm.

8 {2} In this Court's notice of proposed disposition, we proposed to adopt the district  
9 court's thorough and well-reasoned memorandum opinion in response to Defendant's  
10 arguments. [CN 2; *see also* RP 49, 57] "Our courts have repeatedly held that, in  
11 summary calendar cases, the burden is on the party opposing the proposed disposition  
12 to clearly point out errors in fact or law." *Hennessey v. Duryea*, 1998-NMCA-036,  
13 ¶ 24, 124 N.M. 754, 955 P.2d 683. In his memorandum in opposition, Defendant does  
14 not point out any errors in fact or law and continues to rely on the bare assertion that  
15 his conviction was not supported by sufficient evidence. [MIO 1] As a result, we  
16 conclude that Defendant has failed to demonstrate error.

17 {3} Accordingly, for the reasons set forth in our notice of proposed disposition and  
18 herein, and for the reasons articulated in the memorandum opinion of the district  
19 court, we affirm Defendant's conviction.

1 {4} **IT IS SO ORDERED.**

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**JAMES J. WECHSLER, Judge**

4 **WE CONCUR:**

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6 **MICHAEL E. VIGIL, Chief Judge**

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8 **STEPHEN G. FRENCH, Judge**