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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. 32,894

5 **DON J.,**

6 Child-Appellant.

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

8 **Jane Shuler Gray, District Judge**

9 Gary K. King, Attorney General

10 Santa Fe, NM

11 for Appellee

12 Bennett J. Baur, Acting Chief Public Defender

13 Kathleen T. Baldrige, Assistant Appellate Defender

14 Santa Fe, NM

15 for Appellant

16 **MEMORANDUM OPINION**

17 **GARCIA, Judge.**

1 {1} Child appeals from his adjudication of delinquency based on his acts of
2 resisting, evading or obstructing an officer and disorderly conduct. [RP 37] Our notice
3 proposed to affirm and Child filed a memorandum in opposition. We remain
4 unpersuaded by Child's arguments and therefore affirm.

5 {2} Child continues to argue that the evidence was insufficient to support his
6 adjudication for the delinquent acts of resisting, evading, or obstructing an officer and
7 disorderly conduct. [MIO 3] *See State v. Sutphin*, 1988-NMSC-031, ¶ 21, 107 N.M.
8 126, 753 P.2d 1314 (setting forth the substantial evidence standard of review). For the
9 same reasons detailed in our notice, we hold that there was sufficient evidence to
10 support the adjudication of delinquency. *See generally State v. Sparks*,
11 1985-NMCA-004, ¶¶ 6-7, 102 N.M. 317, 694 P.2d 1382 (defining substantial
12 evidence as that evidence which a reasonable person would consider adequate to
13 support a defendant's conviction). In doing so, we acknowledge Child's continued
14 argument that he did not commit the delinquent acts and that his actions were instead
15 a justified response to what he alleges was the officer's inappropriate conduct. [MIO
16 4-5] As we emphasized in our notice, however, the factfinder was free to reject
17 Child's version of events. *See State v. Rojo*, 1999-NMSC-001, ¶ 19, 126 N.M. 438,
18 971 P.2d 829 ("Contrary evidence supporting acquittal does not provide a basis for
19 reversal because the jury is free to reject Defendant's version of the facts."); *see also*

1 *State v. Salas*, 1999-NMCA-099, ¶ 13, 127 N.M. 686, 986 P.2d 482 (recognizing that
2 it is for the factfinder to resolve any conflict in the testimony of the witnesses and to
3 determine where the weight and credibility lay).

4 {3} For the reasons set forth herein and in our notice, we affirm.

5 {4} **IT IS SO ORDERED.**

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7

TIMOTHY L. GARCIA, Judge

8 **WE CONCUR:**

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JAMES J. WECHSLER, Judge

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MICHAEL E. VIIGL, Judge