

1 convictions for aggravated DWI, failure to maintain lane, and failure to use turn signal
2 following an on-record appeal from his metropolitan court conviction. [RP 71, 98,
3 107] Our notice proposed to affirm, and Defendant filed a memorandum in opposition
4 (MIO). We remain unpersuaded by Defendant’s arguments and therefore affirm.

5 {2} In his MIO, Defendant continues to assert that reversal is merited. [MIO 1]
6 Defendant does not contest our recitation of facts [MIO 1] or otherwise specifically
7 challenge our application of the law. *See State v. Mondragon*, 1988-NMCA-027, ¶ 10,
8 107 N.M. 421, 759 P.2d 1003 (“A party responding to a summary calendar notice
9 must come forward and specifically point out errors of law and fact.”), *superseded by*
10 *statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d
11 374. For the reasons extensively detailed in our notice, we hold that the district court
12 did not err in denying his requested continuance and that Defendant failed to establish
13 a prima facie case of ineffective assistance of counsel.

14 {3} Lastly, as we pointed out in our notice, Defendant’s ineffective assistance of
15 counsel argument would be more appropriately addressed in habeas proceedings. [CN
16 7] *See generally State v. Roybal*, 2002-NMSC-027, ¶ 19, 132 N.M. 657, 54 P.3d 61
17 (stating that, if facts necessary to a full determination are not part of the record, an
18 ineffective assistance claim is more appropriately brought through a habeas corpus
19 petition).

1 {4} To conclude, we affirm Defendant's convictions.

2 {5} **IT IS SO ORDERED.**

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TIMOTHY L. GARCIA, Judge

5 **WE CONCUR:**

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

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9 **M. MONICA ZAMORA, Judge**