

1 controlled substance (methamphetamine) (by distribution). [RP 159] We previously
2 entered a notice of proposed summary disposition, proposing to affirm. Defendant has
3 filed a memorandum in opposition to our notice. We are unpersuaded and therefore
4 affirm.

5 {2} On appeal, Defendant raised a single issue, challenging the sufficiency of the
6 evidence to support his conviction. [DS 4] Our notice set forth the relevant facts and
7 the law that we believed controlled. We proposed to hold that the following evidence
8 supported Defendant's conviction: (1) Otero County Sheriff's Deputy Matt Mirabal's
9 testimony that he arranged, through a confidential informant, to make a purchase from
10 Defendant, (2) Deputy Mirabal's testimony that he did, in fact, purchase
11 approximately eighty-dollars worth of methamphetamine from Defendant, and (3) the
12 stipulation between the State and Defendant that the substance was .09 grams of
13 methamphetamine. *See, e.g., State v. Rael*, 1999-NMCA-068, ¶27, 127 N.M. 347, 981
14 P.2d 280 (concluding that officer testimony that he purchased narcotics from the
15 defendant constituted sufficient evidence to support a conviction for trafficking a
16 controlled substance).

17 {3} In response, Defendant continues to argue that there was insufficient evidence
18 because of a lack of supporting evidence to corroborate Deputy Mirabal's testimony.
19 [MIO 3-4] We disagree. *See generally State v. Soliz*, 1969-NMCA-043, ¶8, 80 N.M.

1 297, 454 P.2d 779 (“As a general rule, the testimony of a single witness is sufficient
2 evidence for a conviction.). This is simply an argument directed at the credibility of
3 the officer’s testimony. However, as we pointed out in the calendar notice, the fact-
4 finder is the judge of credibility, and this Court will not reweigh evidence. *See State*
5 *v. Garcia*, 2011-NMSC-003, ¶ 5, 149 N.M. 185, 246 P.3d 1057 (“New Mexico
6 appellate courts will not invade the jury’s province as fact-finder by second-guessing
7 the jury’s decision concerning the credibility of witnesses, reweighing the evidence,
8 or substituting its judgment for that of the jury.” (alterations, internal quotation marks,
9 and citation omitted)).

10 {4} In sum, Defendant’s MIO does not supply any new legal or factual argument
11 that persuades us that our analysis or proposed disposition was incorrect. *See State v.*
12 *Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating that “[a]
13 party responding to a summary calendar notice must come forward and specifically
14 point out errors of law and fact,” and the repetition of earlier arguments does not
15 fulfill this requirement), *superseded by statute on other grounds as stated in State v.*
16 *Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374. Accordingly, for the reasons set forth
17 in our notice of proposed summary disposition and in this opinion, we affirm.

18 {5} **IT IS SO ORDERED.**

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MICHAEL E. VIGIL, Judge

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2 **WE CONCUR:**

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LINDA M. VANZI, Chief Judge

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EMIL J. KIEHNE, Judge