

1 weapon) and one count of resisting, evading, or obstructing an officer. [DS 1; RP 111-
2 12, 147-52] Unpersuaded by Defendant’s docketing statement, we issued a notice of
3 proposed summary disposition, proposing to affirm. Defendant has responded with
4 a memorandum in opposition to our notice. We have considered Defendant’s response
5 and remain unpersuaded. We, therefore, affirm.

6 {2} In our notice of proposed disposition, we set forth the jury instructions given
7 in this case, recounted the evidence presented at trial, and proposed to conclude that
8 there was sufficient evidence to support Defendant’s convictions. [CN 2-4] In
9 response, Defendant maintains that there was insufficient evidence to support her
10 convictions. [MIO 2-7] However, she does not provide new facts or authorities that
11 persuade us that our proposed summary disposition was in error. “Our courts have
12 repeatedly held that, in summary calendar cases, the burden is on the party opposing
13 the proposed disposition to clearly point out errors in fact or law.” *Hennessy v.*
14 *Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683; *see also State v.*
15 *Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003 (stating that “[a]
16 party responding to a summary calendar notice must come forward and specifically
17 point out errors of law and fact[,]” and the repetition of earlier arguments does not
18 fulfill this requirement), *superseded by statute on other grounds as stated in State v.*
19 *Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374.

1 {3} With respect to the aggravated assault upon a peace officer with a deadly
2 weapon conviction, Defendant acknowledges that the State presented evidence that
3 while the officer was chasing Defendant and ordering her to stop, Defendant pulled
4 out a knife and held it out in front of her face, which suggested to the officer that
5 Defendant was willing to use the knife, and this scared the officer. [MIO 7]
6 Nevertheless, Defendant maintains that there was insufficient evidence to support this
7 conviction. [MIO 6-7] As discussed in our notice of proposed disposition, and based
8 on the foregoing facts, we conclude there was sufficient evidence to support
9 Defendant's conviction for aggravated assault upon a peace officer with a deadly
10 weapon.

11 {4} With respect to the resisting, evading, or obstructing an officer conviction,
12 Defendant asserts that she did not know that the officer was attempting to arrest her.
13 [MIO 3-5] Defendant acknowledges the facts set forth in our notice of proposed
14 disposition. [MIO 1] Additionally, she recognizes that the relevant statute and the jury
15 instruction given required the State to prove that Defendant knew that the officer was
16 attempting to "apprehend or arrest" her. [MIO 3-4] As discussed in the notice of
17 proposed disposition, after the officer got out of her vehicle, she called out to
18 Defendant to speak with her; Defendant dropped her belongings and fled on foot;
19 then, the officer ordered Defendant to stop; the officer deployed her Taser toward

1 Defendant but missed; and Defendant kept running and yelling obscenities at the
2 officer. [CN 3-4] We conclude that there was sufficient evidence that Defendant knew
3 the officer was attempting to apprehend or arrest her.

4 {5} Viewing the evidence in the light most favorable to the guilty verdicts, we
5 conclude that there was sufficient evidence to support both of Defendant's
6 convictions. *See State v. Sutphin*, 1988-NMSC-031, ¶ 21, 107 N.M. 126, 753 P.2d
7 1314 (“A reviewing court must view the evidence in the light most favorable to the
8 state, resolving all conflicts therein and indulging all permissible inferences therefrom
9 in favor of the verdict.”); *see also State v. McGhee*, 1985-NMSC-047, ¶ 17, 103 N.M.
10 100, 703 P.2d 877 (“The determination of the weight and effect of the evidence,
11 including all reasonable inferences to be drawn from both the direct and circumstantial
12 evidence is a matter reserved for determination by the trier of fact.”).

13 {6} For the reasons set forth in our notice of proposed disposition and herein, we
14 affirm.

15 {7} **IT IS SO ORDERED.**

16
17

LINDA M. VANZI, Chief Judge

18 **WE CONCUR:**

19
20

JULIE J. VARGAS, Judge

1

2 **DANIEL J. GALLEGOS, Judge**