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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v. **NO. 30,999**

RAWLE NICHOLAS,

Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF OTERO COUNTY
David I. Rupp, District Judge

Gary K. King, Attorney General
William Lazar, Assistant Attorney General
Santa Fe, NM

for Appellee

Jacqueline L. Cooper, Acting Chief Public Defender
Will O'Connell, Assistant Appellate Defender
Santa Fe, NM

for Appellant

MEMORANDUM OPINION

VIGIL, Judge.

Defendant appeals numerous convictions arising from a domestic dispute. In particular, he attacks the sufficiency of the evidence to support the convictions. In our

second notice, we proposed to affirm all but one of the convictions. We proposed to reverse the conviction for criminal damage to property of another pursuant to *State v. Powels*, 2003-NMCA-090, 134 N.M. 118, 73 P.3d 256. The State has responded that it does not contest that reversal. With regard to the remaining convictions, Defendant continues to argue that the evidence was insufficient. He does not, however, present us with any further law, facts, or arguments or point out any errors in our analysis. Therefore, we continue to rely on our proposal regarding the sufficiency of the evidence as stated in our first calendar notice. *See State v. Sisneros*, 98 N.M. 201, 202-03, 647 P.2d 403, 404-05 (1982).

For the reasons set out in the first calendar notice, we affirm the convictions of false imprisonment, two counts of interference with communications, assault on a household member, and battery of a household member. The conviction for criminal damage to property is reversed. This case is remanded to the district court to vacate the conviction for criminal damage to property and to resentence Defendant.

IT IS SO ORDERED.

MICHAEL E. VIGIL, Judge

WE CONCUR:

CYNTHIA A. FRY, Judge

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LINDA M. VANZI, Judge