

**STATE V. ARAGON, 1972-NMCA-129, 84 N.M. 254, 501 P.2d 698 (Ct. App. 1972)**

**STATE OF NEW MEXICO, Plaintiff-Appellee,  
vs.  
RAYMOND JAMES ARAGON, Defendant-Appellant.**

No. 920

COURT OF APPEALS OF NEW MEXICO

1972-NMCA-129, 84 N.M. 254, 501 P.2d 698

September 15, 1972

Appeal from the District Court of Bernalillo County, Maloney, Judge

**COUNSEL**

GEORGE H. PEREZ, Albuquerque, New Mexico, Attorney for Appellant.

DAVID L. NORVELL, Attorney General, RONALD VAN AMBERG, Assistant Attorney General, Santa Fe, New Mexico, Attorneys for Appellee.

**JUDGES**

SUTIN, Judge, wrote the opinion.

WE CONCUR:

William R. Hendley, J., Ray C. Cowan, J.

**AUTHOR: SUTIN**

**OPINION**

{\*255} SUTIN, Judge.

{1} Defendant was convicted and sentenced for fraudulent use of a credit card. Section 40A-16-33, N.M.S.A. 1953 (Repl. Vol. 6, Supp. 1971). Defendant appeals.

{2} We affirm.

{3} Defendant contends the trial court erred in admitting into evidence certain items seized from defendant's automobile during an illegal search and seizure, to wit: a wallet, a Selective Service card, a Shell credit card, and a copy of a charge ticket.

{4} The issue of illegal search and seizure was not presented to the trial court and cannot be raised for the first time on appeal. Neither is it fundamental error. *State v. Sisneros*, 79 N.M. 600, 446 P.2d 875 (1968); *State v. Tapia*, 79 N.M. 344, 443 P.2d 514 (Ct. App. 1968); *State v. Williams*, 83 N.M. 477, 493 P.2d 962 (Ct. App. 1972).

{5} AFFIRMED.

{6} IT IS SO ORDERED.

WE CONCUR:

William R. Hendley, J., Ray C. Cowan, J.