

**RIO RANCHO V. CRISCUOLO**

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**CITY OF RIO RANCHO, Plaintiff-Appellee,  
v.  
MICHAEL THOMAS CRISCUOLO, Defendant-Appellant.**

Docket No. 29,442

COURT OF APPEALS OF NEW MEXICO

August 12, 2009

APPEAL FROM THE DISTRICT COURT OF SANDOVAL COUNTY, John F. Davis,  
District Judge.

**COUNSEL**

Gina R. Manfredi, Assistant City Attorney, Rio Rancho, NM, for Appellee.

Michael T. Criscuolo, Los Lunas, NM, Pro Se Appellant.

**JUDGES**

MICHAEL E. VIGIL, Judge. WE CONCUR: CYNTHIA A. FRY, Chief Judge, CELIA FOY CASTILLO, Judge

**AUTHOR:** MICHAEL E. VIGIL

**MEMORANDUM OPINION**

**VIGIL, Judge.**

Defendant, pro se, appeals from the district court judgment and sentence finding him guilty of the charge of no seatbelt, in violation of NMSA 1978, § 66-7-372 (2001). This Court's first notice proposed summary affirmance. Defendant filed a memorandum in opposition to the proposed disposition. We are not persuaded by Defendant's arguments, and affirm.

Defendant continues to assert that Section 66-7-372 does not apply because the driving laws are established for drivers, not passengers. [MIO 33] Defendant also questions why he should be charged with a driving infraction when public transportation provides no safety restraints and passengers are not issued traffic citations for no seatbelts. [MIO 33] Section 66-7-372 is contained in the "Safety Belt Use Act," NMSA 1978, §§ 66-7-370 to -373 (1985, as amended through 2001). Section 66-7-372(A) provides that "each occupant" shall wear a safety belt. The traffic laws are created for traffic safety of all occupants of a motor vehicle, and there is no distinction between drivers and passengers in the statute. Because the statute applies to all occupants of a motor vehicle, we affirm the district court judgment and sentence.

For these reasons, and those stated in the first notice of proposed disposition, we affirm the district court.

**IT IS SO ORDERED.**

**MICHAEL E. VIGIL, Judge**

**WE CONCUR:**

**CYNTHIA A. FRY, Chief Judge**

**CELIA FOY CASTILLO, Judge**