

STATE V. BROWN

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STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
DIANA BROWN,
Defendant-Appellant.

No. 34,173

COURT OF APPEALS OF NEW MEXICO

May 20, 2015

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Charles Brown,
District Judge

COUNSEL

Hector H. Balderas, Attorney General, Santa Fe, NM, for Appellee

Jorge A. Alvarado, Chief Public Defender, Santa Fe, NM, Steven J. Forsberg, Assistant Appellate Defender, Albuquerque, NM, for Appellant

JUDGES

MICHAEL D. BUSTAMANTE, Judge. WE CONCUR: JONATHAN B. SUTIN, Judge, J. MILES HANISEE, Judge

AUTHOR: MICHAEL D. BUSTAMANTE

MEMORANDUM OPINION

BUSTAMANTE, Judge.

{1} The memorandum opinion previously filed in this matter on April 28, 2015, is hereby withdrawn, and this Opinion is substituted therefor.

{2} Defendant Diana Brown appeals from the district court's affirmance of the metropolitan court's convictions for driving while under the influence of intoxicating liquor and speeding. [DS 1; RP 143] In this Court's notice of proposed disposition, we proposed to affirm Defendant's convictions and adopt the memorandum opinion of the district court. [CN 1-2] Defendant filed a memorandum in opposition. We have given due consideration to the memorandum in opposition, and, remaining unpersuaded, we affirm Defendant's convictions.

{3} Defendant raises no new arguments apart from those that she made in her docketing statement [DS 11-12] and in the statement of the issues she filed with the district court in her on-record appeal [RP 121-130]. In this Court's notice of proposed disposition, we proposed to adopt the district court's thorough and well-reasoned memorandum opinion in response to Defendant's arguments. [CN 1-2; see *also* RP 136-142] Defendant has failed to raise any new arguments or issues to convince us to reconsider our proposed adoption of the district court's memorandum opinion. As such, all of the arguments in Defendant's memorandum in opposition have been addressed by this Court in its notice of proposed disposition and/or the district court's memorandum opinion this Court proposed to adopt in our notice of proposed disposition, and we refer Defendant to the responses therein. [See RP 136-142]

{4} Accordingly, for the reasons set forth in our notice of proposed disposition and herein, and for the reasons articulated in the memorandum opinion of the district court, we affirm Defendant's convictions.

{5} IT IS SO ORDERED.

MICHAEL D. BUSTAMANTE, Judge

WE CONCUR:

JONATHAN B. SUTIN, Judge

J. MILES HANISEE, Judge