STATE V. LEYBA

STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
JEANNINE LEYBA,
Defendant-Appellant.

No. 34,177

COURT OF APPEALS OF NEW MEXICO

April 8, 2015

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Brett Loveless, District Judge

COUNSEL

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

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

JUDGES

JAMES J. WECHSLER, Judge. WE CONCUR: MICHAEL D. BUSTAMANTE, Judge, M. MONICA ZAMORA, Judge

AUTHOR: JAMES J. WECHSLER

MEMORANDUM OPINION

WECHSLER, Judge.

{1} Defendant appeals from the district court's judgment affirming her DWI conviction following an on-record appeal from her metropolitan court conviction. [RP 59, 69] Our

notice proposed to affirm, and Defendant filed a memorandum in opposition (MIO). We remain unpersuaded by Defendant's arguments and therefore affirm.

{2} Defendant continues to argue that the officer lacked probable cause to arrest her for DWI. [DS 10; MIO 1] *See generally State v. Granillo-Macias*, 2008-NMCA-021, ¶¶ 7, 9, 143 N.M. 455, 176 P.3d 1187 (setting forth our standard of review and providing that probable cause to arrest exists "when the facts and circumstances within the officer's knowledge are sufficient to warrant the officer to believe that an offense has been or is being committed"). Defendant does not dispute the facts, but urges this Court to re-examine the legal conclusion reached by the metropolitan court. [MIO 1] For the reasons detailed in our notice, however, we agree with the metropolitan court's ruling, and we therefore affirm.

{3} IT IS SO ORDERED.

JAMES J. WECHSLER, Judge

WE CONCUR:

MICHAEL D. BUSTAMANTE, Judge

M. MONICA ZAMORA, Judge