

STATE V. MORGAN

This memorandum opinion was not selected for publication in the New Mexico Appellate Reports. Please see Rule 12-405 NMRA for restrictions on the citation of unpublished memorandum opinions. Please also note that this electronic memorandum opinion may contain computer-generated errors or other deviations from the official paper version filed by the Court of Appeals and does not include the filing date.

**STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
ALEXANDER MORGAN,
Defendant-Appellant.**

No. 34,187

COURT OF APPEALS OF NEW MEXICO

March 26, 2015

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Judith
Nakamura, District Judge

COUNSEL

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

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

JUDGES

MICHAEL D. BUSTAMANTE, Judge. WE CONCUR: MICHAEL E. VIGIL, Chief Judge,
JAMES J. WECHSLER, Judge

AUTHOR: MICHAEL D. BUSTAMANTE

MEMORANDUM OPINION

BUSTAMANTE, Judge.

{1} Defendant has appealed from a conviction for DWI. We previously issued a notice of proposed summary disposition in which we proposed to uphold the conviction.

Defendant has filed a memorandum in opposition. After due consideration, we remain unpersuaded. We therefore affirm.

{2} Defendant has challenged the denial of his motion to suppress. In the notice of proposed summary disposition we opined that the traffic stop and ensuing investigation were within the applicable constitutional parameters. *See, e.g., State v. Walters*, 1997-NMCA-013, ¶¶ 5, 25-26, 123 N.M. 88, 149 P.3d 282 (arriving at the same conclusion under analogous circumstances).

{3} In his memorandum in opposition Defendant continues to assert that the “mere temporary blockage of traffic while his emergency flashers were operating did not warrant the officer acting in a community caretaking role[.]” but implicitly acknowledges that *Walters* provides otherwise. [MIO 1] We remain unpersuaded by Defendant’s argument, and adhere to our initial assessment. To the extent Defendant is impliedly asking us to reconsider *Walters*, we decline to do so.

{4} Accordingly, for the foregoing reasons, as well as the reasons set forth in the notice of proposed summary disposition, we affirm.

{5} **IT IS SO ORDERED.**

MICHAEL D. BUSTAMANTE, Judge

WE CONCUR:

MICHAEL E. VIGIL, Chief Judge

JAMES J. WECHSLER, Judge