

STATE V. NORMAN

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**STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
ISHMEL NORMAN,
Defendant-Appellant.**

No. A-1-CA-36,105

COURT OF APPEALS OF NEW MEXICO

August 1, 2017

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Cristina T.
Jaramillo, District Judge

COUNSEL

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Bennett J. Baur, Chief Public Defender, Santa Fe, NM, Steven J. Forsberg, Assistant Appellate Defender, Albuquerque, NM, for Appellant

JUDGES

M. MONICA ZAMORA, Judge. WE CONCUR: J. MILES HANISEE, Judge, STEPHEN G. FRENCH, Judge

AUTHOR: M. MONICA ZAMORA

MEMORANDUM OPINION

ZAMORA, Judge.

{1} Defendant Ishmel Norman appeals from the district court's affirmance of his convictions after a jury trial in the metropolitan court for aggravated driving while under the influence of intoxicating liquor (DWI) (third offense), and failure to obey a traffic

signal. [DS 1; RP 49, 113, 121, 123] In this Court's notice of proposed disposition, we proposed to adopt the district court's memorandum opinion affirming the conviction. [CN 2] Defendant filed a memorandum in opposition, which we have duly considered. Remaining unpersuaded, we affirm Defendant's conviction.

{2} Defendant raises no new arguments apart from those that he made in his docketing statement [DS 7-8] and in the statement of the issues he filed with the district court in his on-record appeal [RP 91, 95-99, 116]. [See *generally* MIO] 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 2; see *also* RP 113-20] 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 by the district court's memorandum opinion this Court proposed to adopt, and we refer Defendant to the responses therein. [See RP 113-20]

{3} 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.

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

M. MONICA ZAMORA, Judge

WE CONCUR:

J. MILES HANISEE, Judge

STEPHEN G. FRENCH, Judge