

**STATE V. SANCHEZ**

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**STATE OF NEW MEXICO,**  
Plaintiff-Appellee,  
v.  
**ANGELICA SANCHEZ,**  
Defendant-Appellant.

No. 31,766

COURT OF APPEALS OF NEW MEXICO

October 4, 2012

APPEAL FROM THE DISTRICT COURT OF SAN JUAN COUNTY, Karen L.  
Townsend, District Judge

**COUNSEL**

Gary K. King, Attorney General, Santa Fe, NM, for Appellee

Jacqueline L. Cooper, Chief Public Defender, Sergio Viscoli, Assistant Appellate Defender, Santa Fe, NM, for Appellant

**JUDGES**

TIMOTHY L. GARCIA, Judge. WE CONCUR: MICHAEL E. VIGIL, Judge, LINDA M. VANZI, Judge

**AUTHOR:** TIMOTHY L. GARCIA

**MEMORANDUM OPINION**

**GARCIA, Judge.**

Defendant appeals her conviction for DWI. We issued a notice of proposed summary disposition, proposing to uphold the conviction. Defendant has filed a memorandum in opposition. After due consideration, we remain unpersuaded. We therefore affirm.

Defendant has raised a single issue, contending that the admission of her breath-alcohol test (BAT) results violated her constitutional right to confrontation, insofar as the State failed to call the individual or individuals who calibrated and certified the BAT machine.

As we observed in our notice of proposed summary disposition, this Court's recent decision in the case of *State v. Anaya*, No. 30,675, slip op. ¶¶ 22-25 (N.M. Ct. App. June 7, 2012), establishes that the Confrontation Clause does not apply relative to the evidence in question.

In her memorandum in opposition Defendant acknowledges that *Anaya* is dispositive, but suggests that we reconsider. [MIO 4-5] We decline the invitation.

Accordingly, for the reasons stated, we affirm.

**IT IS SO ORDERED.**

**TIMOTHY L. GARCIA, Judge**

**WE CONCUR:**

**MICHAEL E. VIGIL, Judge**

**LINDA M. VANZI, Judge**