

STATE V. VAUGHN

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STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
RONALD VAUGHN,
Defendant-Appellant.

No. 36,049

COURT OF APPEALS OF NEW MEXICO

May 17, 2017

APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY, Mary Marlowe
Sommer, District Judge

COUNSEL

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

Bennett J. Baur, Chief Public Defender, Kathleen T. Baldrige, Assistant Appellate
Defender, Santa Fe, NM, for Appellant

JUDGES

J. MILES HANISEE, Judge. WE CONCUR: MICHAEL E. VIGIL, Judge, STEPHEN G.
FRENCH, Judge

AUTHOR: J. MILES HANISEE

MEMORANDUM OPINION

HANISEE 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} The pertinent background information and applicable principles were previously set out in the notice of proposed summary disposition. We will avoid unnecessary repetition here, focusing instead on the content of the memorandum in opposition.

{3} Defendant continues to challenge to the sufficiency of the evidence to support his conviction. [MIO 2-4] However, Defendant's admission to having consumed alcohol and OxyContin prior to driving, [MIO 1, 3] the evidence that Defendant caused a traffic accident, [MIO 2] and the officers' testimony that Defendant displayed numerous indicia of intoxication, [MIO 1, 3] supply ample support for the conviction. *See, e.g., State v. Notah-Hunter*, 2005-NMCA-074, ¶ 24, 137 N.M. 597, 113 P.3d 867 (holding that the evidence was sufficient to uphold a conviction for DWI where the defendant smelled of alcohol, had slurred speech, admitted to drinking alcohol, failed field sobriety tests and was driving erratically); *State v. Caudillo*, 2003-NMCA-042, ¶ 8, 133 N.M. 468, 64 P.3d 495 (stating that the evidence was sufficient to establish impairment where the defendant was involved in an accident, smelled of alcohol, admitted to having consumed beer, and refused to take a blood alcohol test).

{4} In his memorandum in opposition Defendant focuses on countervailing inferences which might have been drawn. [MIO 3-4] "However, as a reviewing court, we do not reweigh the evidence or attempt to draw alternative inferences from the evidence." *State v. Estrada*, 2001-NMCA-034, ¶ 41, 130 N.M. 358, 24 P.3d 793. We therefore remain unpersuaded.

{5} Accordingly, for the reasons stated in our notice of proposed summary disposition and above, we affirm.

{6} IT IS SO ORDERED.

J. MILES HANISEE, Judge

WE CONCUR:

MICHAEL E. VIGIL, Judge

STEPHEN G. FRENCH, Judge