

STATE V. VALENZUELA, 1971-NMCA-183, 83 N.M. 391, 492 P.2d 1008 (Ct. App. 1971)

**STATE OF NEW MEXICO, Plaintiff-Appellee,
vs.
ALFREDO VALENZUELA, Defendant-Appellant**

No. 791

COURT OF APPEALS OF NEW MEXICO

1971-NMCA-183, 83 N.M. 391, 492 P.2d 1008

December 22, 1971

Appeal from the District Court of Dona Ana County, Sanders, Judge

COUNSEL

WALTER R. PARR, Las Cruces, New Mexico, Attorney for Appellant.

DAVID L. NORVELL, Attorney General, RONALD VAN AMBERG, Assistant Attorney General, Santa Fe, New Mexico, Attorneys for Appellee.

JUDGES

SUTIN, Judge, wrote the opinion.

WE CONCUR:

Joe W. Wood, C.J., William R. Hendley, J.

AUTHOR: SUTIN

OPINION

{*392} SUTIN, Judge.

{1} Defendant was convicted and sentenced for burglary. Section 40A-16-3, N.M.S.A. 1953 (Repl. Vol. 6). Defendant claims he did not voluntarily and understandingly waive his constitutional right to remain silent; consequently his admissions were inadmissible at trial.

{2} There is evidence that on arrest, the police officer read to defendant the "Miranda warnings" and the defendant stated that he understood them. His constitutional right to

remain silent was not violated. His admissions could properly be found to be voluntary and were admissible at trial. State v. Pace, 80 N.M. 364, 456 P.2d 197 (1969).

{3} AFFIRMED.

{4} IT IS SO ORDERED.

WE CONCUR:

Joe W. Wood, C.J., William R. Hendley, J.