

<b>STATE V. ARENAS</b>
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**STATE OF NEW MEXICO,  
Plaintiff-Appellee,  
v.  
DAMIAN ARENAS,  
Defendant-Appellant.**

NO. A-1-CA-36551

COURT OF APPEALS OF NEW MEXICO

January 24, 2018

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

**COUNSEL**

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

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

**JUDGES**

MICHAEL E. VIGIL, Judge. WE CONCUR: JULIE J. VARGAS, Judge, STEPHEN G. FRENCH, Judge

**AUTHOR:** MICHAEL E. VIGIL

**MEMORANDUM OPINION**

**VIGIL, Judge.**

{1} Defendant appeals from his conviction for felony DWI, entered pursuant to a conditional plea, wherein he reserved the right to appeal the district court's denial of his motion to dismiss on speedy trial grounds. This Court issued a calendar notice

proposing to affirm relying, in part, on *State v. Hill*, 2005-NMCA-143, ¶ 12, 138 N.M. 693, 125 P.2d 1175. Defendant has filed a memorandum in opposition requesting that this Court revisit our holding in *Hill*. However, given that our holding in *Hill* was premised on binding New Mexico Supreme Court precedent, we decline to revisit that holding. As a result, we conclude that Defendant has not demonstrated a speedy trial violation. Accordingly, we affirm.

**IT IS SO ORDERED.**

**MICHAEL E. VIGIL, Judge**

**WE CONCUR:**

**JULIE J. VARGAS, Judge**

**STEPHEN G. FRENCH, Judge**