

STATE V. HENDERSON

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STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
TIFFANY HENDERSON,
Defendant-Appellant.

No. 34,307

COURT OF APPEALS OF NEW MEXICO

June 4, 2015

APPEAL FROM THE DISTRICT COURT OF LINCOLN COUNTY, Karen L. Parsons,
District Judge

COUNSEL

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

Jorge A. Alvarado, Chief Public Defender, Tania Shahani, Assistant Appellate Defender,
Santa Fe, NM, for Appellant

JUDGES

JAMES J. WECHSLER, Judge. WE CONCUR: LINDA M. VANZI, Judge, TIMOTHY L.
GARCIA, Judge

AUTHOR: JAMES J. WECHSLER

MEMORANDUM OPINION

WECHSLER, Judge.

{1} Defendant appeals from a conviction for DWI (fourth offense). 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} Defendant has raised a single issue, challenging the sufficiency of the State's showing that she has three prior DWI convictions. In this context, we review for substantial evidence, viewing the evidence in the light most favorable to the State. *State v. Clements*, 2009-NMCA-085, ¶ 27, 146 N.M. 745, 215 P.3d 514.

{3} Below, the State presented certified copies of judgments of conviction, accurately reflecting both Defendant's name and date of birth. [MIO 3] These documents supplied admissible and persuasive evidence of identity, conviction, and timing. As such, the State satisfied its burden of proof. *See generally id.* ¶ 22.

{4} In her memorandum in opposition Defendant continues to assert that additional evidence of identity should have been required, such as fingerprints or social security numbers. [MIO 3-4] As support for this proposition, Defendant relies upon *Clements*. However, as we previously observed, the absence of such evidence was significant in *Clements* only because the judgments upon which the State relied did not accurately reflect the defendant's name and contained no other identifying information such as date of birth. *Id.* ¶ 20. Insofar as the certified copies of judgments utilized in this case accurately reflected both Defendant's name and her date of birth, additional identifying information was not required.

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

{6} IT IS SO ORDERED.

JAMES J. WECHSLER, Judge

WE CONCUR:

LINDA M. VANZI, Judge

TIMOTHY L. GARCIA, Judge