

STATE V. KOREH

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**STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
OZE KOREH,
Defendant-Appellant.**

NO. 34,263

COURT OF APPEALS OF NEW MEXICO

March 25, 2015

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Christina P.
Argyres, District Judge

COUNSEL

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

Jorge A. Alvarado, Chief Public Defender, Steven J. Forsberg, Assistant Public
Defender, Albuquerque, NM, for Appellant

JUDGES

JAMES J. WECHSLER, Judge. WE CONCUR: LINDA M. VANZI, Judge, M. MONICA
ZAMORA, Judge

AUTHOR: JAMES J. WECHSLER

MEMORANDUM OPINION

WECHSLER, 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} Defendant has challenged the denial of his motion to suppress based upon the loss of two video recordings. In the notice of proposed summary disposition we opined that the court duly considered the relevant factors, *see generally State v. Chouinard*, 1981-NMSC-096, ¶¶ 23-24, 96 N.M. 658, 634 P.2d 680, and appropriately concluded that weightier sanctions were not warranted. *See, e.g., State v. Duarte*, 2007-NMCA-012, ¶¶ 11-12, 140 N.M. 930, 149 P.3d 1027 (arriving at the same conclusion under analogous circumstances).

{3} Defendant does not take issue with our analysis. Instead, he invites the Court to re-examine *Chouinard*. [MIO 1] We must decline the invitation. *See generally Alexander v. Delgado*, 1973-NMSC-030, ¶ 9, 84 N.M. 717, 507 P.2d 778 (“[T]he Court of Appeals is to be governed by the precedents of this [C]ourt.”).

{4} Accordingly, for the foregoing reasons, as well as the reasons set forth in the notice of proposed summary disposition, we affirm.

{5} **IT IS SO ORDERED.**

JAMES J. WECHSLER, Judge

WE CONCUR:

LINDA M. VANZI, Judge

M. MONICA ZAMORA, Judge