

STATE V. MARTINEZ

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STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
DAWN MARTINEZ,
Defendant-Appellant.

NO. 32,192

COURT OF APPEALS OF NEW MEXICO

November 7, 2012

APPEAL FROM THE DISTRICT COURT OF SAN JUAN COUNTY, Thomas J. Hynes,
District Judge

COUNSEL

Gary K. King, Attorney General, Santa Fe, NM, for Appellee

Jacqueline L. Cooper, Chief Public Defender, Kathleen T. Baldrige, Assistant Appellate Defender, Santa Fe, NM, for Appellant

JUDGES

CELIA FOY CASTILLO, Chief Judge. WE CONCUR: RODERICK T. KENNEDY, Judge,
MICHAEL E. VIGIL, Judge

AUTHOR: CELIA FOY CASTILLO

MEMORANDUM OPINION

CASTILLO, Chief Judge.

Defendant entered a conditional plea of guilty to the charges filed against her, reserving the right to appeal the denial of her motion to suppress evidence. We proposed to affirm

in a calendar notice, and we have received a response from Defendant. We have considered Defendant's arguments, but we are not persuaded by them. We affirm.

Defendant continues to claim the officer had no valid reason for stopping her vehicle. The officer stopped Defendant's vehicle after observing that there was no license plate on the vehicle. In addition, the officer could not read the "piece of paper" in the window of the vehicle. Our laws require that a temporary registration tag be displayed in a particular manner on a vehicle's window and that the tag be clearly visible and legible. NMSA 1978, § 66-3-18 (2007); see *City of Albuquerque v. Haywood*, 1998-NMCA-029, ¶ 11, 124 N.M. 661, 954 P.2d 93, *overruled on other grounds by State v. Leyva*, 2011-NMSC-009, ¶ 17 n.1, 149 N.M. 435, 250 P.3d 861. An officer has the authority to stop and briefly detain a vehicle when the temporary registration tag is not visible to the officer. *Haywood*, 1998-NMCA-029, ¶ 12. Under the circumstances in this case, the officer had the requisite reasonable suspicion to stop Defendant's vehicle. The district court did not err in denying Defendant's suppression motion.

For these reasons and those discussed in our calendar notice, we affirm the decision of the district court.

IT IS SO ORDERED.

CELIA FOY CASTILLO, Chief Judge

WE CONCUR:

RODERICK T. KENNEDY, Judge

MICHAEL E. VIGIL, Judge