

STATE V. TERWILLIGER

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**STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
JONAS TERWILLIGER,
Defendant-Appellant.**

No. A-1-CA-35,921

COURT OF APPEALS OF NEW MEXICO

August 11, 2017

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY, Briana H.
Zamora, Judge

COUNSEL

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

Ben A. Ortega, Albuquerque, NM, for Appellant

JUDGES

J. MILES HANISEE, Judge. WE CONCUR: M. MONICA ZAMORA, Judge, HENRY M.
BOHNHOFF, Judge

AUTHOR: J. MILES HANISEE

MEMORANDUM OPINION

HANISEE, Judge.

{1} Defendant Jonas Terwilliger appeals from the district court's affirmance of his conviction after a jury trial in metropolitan court for aggravated driving while under the influence of intoxicating liquor (DWI). [DS 3; RP 122-33] In this Court's notice of proposed disposition, we proposed to adopt the district court's memorandum opinion

affirming the conviction. [CN 2] Defendant filed a memorandum in opposition, which we have duly considered. Remaining unpersuaded, we affirm Defendant's conviction.

{2} Defendant raises no new arguments apart from those that he made in his docketing statement [DS 5] and in the statement of the issues he filed with the district court in his on-record appeal [RP 104]. In this Court's notice of proposed disposition, we proposed to adopt the district court's thorough and well-reasoned memorandum opinion in response to Defendant's arguments. [CN 2; *see a/so* RP 122-31] Defendant has failed to raise any new arguments or issues to convince us to reconsider our proposed adoption of the district court's memorandum opinion. As such, all of the arguments in Defendant's memorandum in opposition have been addressed by this Court in its notice of proposed disposition and/or by the district court's memorandum opinion this Court proposed to adopt, and we refer Defendant to the responses therein. [See RP 122-31]

{3} Accordingly, for the reasons set forth in our notice of proposed disposition and herein, and for the reasons articulated in the memorandum opinion of the district court, we affirm Defendant's conviction.

{4} IT IS SO ORDERED.

J. MILES HANISEE, Judge

WE CONCUR:

M. MONICA ZAMORA, Judge

HENRY M. BOHNHOFF, Judge