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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-38385

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v.

BRENAN ROSS,

Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY
Jacqueline D. Flores, District Judge

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

MEMORANDUM OPINION

VARGAS, Judge.

{1} Defendant appeals the district court's order affirming his metropolitan court convictions for driving while intoxicated and driving without headlamps. This Court issued a notice of proposed disposition, proposing to adopt the memorandum opinion of the district court and affirm. Defendant filed a memorandum in opposition, which we have duly considered. Unpersuaded, we affirm.

{2} On appeal, Defendant contends that that the metropolitan court applied the incorrect legal standard in light of the mandate upon remand from this Court. The district court affirmed the metropolitan court's application of the Supreme Court's current case law rather than this Court's overruled mandate. Our notice proposed to affirm, stating that the district court issued a thorough, well-reasoned memorandum opinion, presenting the facts and arguments of the case and the district court's analysis in response thereto. [CN 2] We proposed to agree with the district court in its factual presentation, analysis, and conclusion, and proposed to adopt the district court's memorandum opinion for purposes of this appeal. [CN 2] In his memorandum in opposition, Defendant raises no new objections to the analysis this Court proposed to adopt, and we remain unpersuaded that the district court reached an erroneous conclusion. [MIO 1-2]

{3} Accordingly, for the reasons stated above and in this Court's notice of proposed disposition, we adopt the memorandum opinion of the district court and affirm.

{4} IT IS SO ORDERED.

JULIE J. VARGAS, Judge

WE CONCUR:

J. MILES HANISEE, Chief Judge

MEGAN P. DUFFY, Judge