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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-39241

**IN THE MATTER OF BRANDY N. RODKE
a/k/a RAVEN W. RADO WEST,**

Petitioner-Appellant.

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

Brandy N. Rodke
Albuquerque, NM

Pro Se Appellant

MEMORANDUM OPINION

HANISEE, Chief Judge.

{1} Petitioner appealed following the entry of an order denying her consolidated petitions for expungement. We previously issued a notice of proposed summary disposition in which we proposed to affirm. Petitioner has filed a memorandum in opposition, together with a motion for extension of time. The motion is hereby granted. However, we remain unpersuaded that the district court erred. We therefore affirm.

{2} The relevant background information and principles of law were set forth in the notice of proposed summary disposition. Petitioner does not dispute our analysis. We therefore adhere to our initial assessment, relative to those matters previously addressed.

{3} In her memorandum in opposition we understand Petitioner to contend that the district court erred in failing to reexamine the propriety of an underlying arrest. [MIO 29] However, expungement proceedings are not vehicles for reevaluating issues that pertain to the merits of convictions. As such, we reject the suggestion of error.

{4} We further understand Petitioner to request remand for further consideration in light of subsequent developments. [MIO 30] However, as we previously explained, [CN 2-3] the district court's observations and ultimate ruling were well founded, based on the state of affairs that existed at the time the decision was rendered. Although Petitioner

could have requested reconsideration by filing an appropriate motion with the district court, she elected to appeal instead. Insofar as the district court cannot be said to have erred on the record before it, there is no basis for relief on appeal.

{5} In conclusion, we reiterate that our disposition of the instant appeal does not constitute a determination that Petitioner is entirely foreclosed from pursuing expungement. However, it is incumbent upon Petitioner to make the requisite showing, by means of appropriate procedural avenues, and to the district court's satisfaction.

{6} Accordingly, for the reasons previously stated, we affirm.

{7} IT IS SO ORDERED.

J. MILES HANISEE, Chief Judge

WE CONCUR:

MEGAN P. DUFFY, Judge

ZACHARY A. IVES, Judge