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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-39242

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

Petitioner-Appellant.

**APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY
Joshua A. Allison, 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 Petitioner contends that the district court erred in failing to reexamine the propriety of an underlying arrest. [MIO 29] However, as the district court noted in its decision, [RP 97] expungement proceedings are not vehicles for reevaluating the merits of convictions. As such, the district court properly declined to entertain that argument.

{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, 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 precluded 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:

JACQUELINE R. MEDINA, Judge

BRIANA H. ZAMORA, Judge