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IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

Filing Date: June 24, 2019

NO. S-1-SC-37103

STATE OF NEW MEXICO,

Plaintiff-Appellant and
Cross-Appellee,

v.

BRANDON VILLALOBOS,

Defendant-Appellee and
Cross-Appellant.

APPEAL FROM THE DISTRICT COURT OF VALENCIA COUNTY

James Lawrence Sanchez, District Judge

Hector H. Balderas, Attorney General
John Kloss, Assistant Attorney General
Santa Fe, NM

for Appellant and Cross-Appellee

Jeffrey J. Buckels
Albuquerque, NM

for Appellee and Cross-Appellant

DISPOSITIONAL ORDER OF AFFIRMANCE

{1} WHEREAS, this matter having come before the Court upon the State's appeal of an order suppressing evidence pursuant to NMSA 1978, Section 39-3-3(B)(2) (1972) and;

{2} The Court having considered the briefs, engaged in oral argument, and being otherwise fully informed on the issues and applicable law and;

{3} The Court finding that there is no reasonable likelihood that a decision or formal opinion of the Court, under the instant facts, would materially advance the law of the State and;

{4} The Court exercising its discretion under Rule 12-405(B)(2) NMRA to dispose of a case by order, decision, or memorandum opinion rather than formal opinion;

{5} NOW, THEREFORE, IT IS ORDERED that the decision of the district court to suppress all of Defendant's statements made after the *Miranda* warnings is AFFIRMED;

{6} IT IS FURTHER ORDERED that the Court need not address (1) the State's argument that the district court erred by suppressing all statements made after Defendant was handcuffed on the additional ground that those statements were not voluntary or (2) Defendant's argument, made pursuant to Rule 12-201(C) NMRA, that warnings should have been given earlier under NMSA 1978, Section 32A-2-14 (2009).

{7} IT IS SO ORDERED.

BARBARA J. VIGIL, Justice

MICHAEL E. VIGIL, Justice

C. SHANNON BACON, Justice

DAVID K. THOMSON, Justice

DISSENTING.

JUDITH K. NAKAMURA, Chief Justice