

1 disposition in which we proposed to affirm. Defendant has filed a memorandum in
2 opposition. After due consideration, we remain unpersuaded. We therefore affirm.

3 {2} Because the pertinent background information and applicable principles were
4 previously set out in the notice of proposed summary disposition, we will avoid
5 unnecessary repetition here, and instead focus on the content of the memorandum in
6 opposition.

7 {3} Defendant has raised a single issue, contending that a statement he made to
8 police should have been suppressed on grounds that he did not knowingly,
9 intelligently, and voluntarily waive his constitutional rights under *Miranda*. [MIO 6]
10 Specifically, Defendant continues to assert that his waiver was not voluntary because
11 he was coerced with promises of leniency. [MIO 7-8] However, as we previously
12 observed in the notice of proposed summary disposition, Detective Whitaker
13 specifically testified that he did not promise Defendant anything. [MIO 7-8; RP 46,
14 48] Although Defendant testified otherwise, [MIO 4, 7] the district court, as finder of
15 fact, was at liberty to reject Defendant's assertion and to resolve the evidentiary
16 conflict in the State's favor. *See generally State v. Fierro*, 2014-NMCA-004, ¶ 40, 315
17 P.3d 319 ("We emphasize that the finder of fact, not an appellate court, must reconcile
18 any conflicts in the evidence and determine where truth and credibility lies. The fact
19 finder can choose to believe the [s]tate's testimony and disbelieve [the d]efendant's

1 version of events.”). Defendant also renews his assertion that his waiver was not
2 knowing and intelligent, insofar as he was under the influence of methamphetamines.
3 [MIO 8-10] As we previously observed, the district court heard the testimony of
4 Detective Whitaker, who indicated that Defendant seemed okay cognitively, was
5 responding properly to questions, he appeared to understand the form and seemed
6 familiar with the process. [MIO 2] Detective Whitaker further testified that although
7 Defendant might have been experiencing withdrawal, he observed no indication that
8 Defendant was under the influence of drugs at the time of the interview. [MIO 3] This
9 evidence supplies adequate support for the district court’s determination that the
10 statement was knowingly and intelligently made. *See, e.g., State v. Evans,*
11 *2009-NMSC-027, ¶¶ 35-39, 146 N.M. 319, 210 P.3d 216* (rejecting a claim that a
12 confession should have been suppressed in light of the defendant’s alleged
13 methamphetamine use, despite the “disjointed and rambling quality” to some of the
14 defendant’s “long and, at times, nonsensical responses,” where the district court
15 “viewed with skepticism [the d]efendant’s claims” and after a full hearing, where
16 there was “no indication in the record that the law enforcement officers who
17 interrogated [the d]efendant were aware of his purportedly vulnerable mental state,”
18 and where the district court ultimately determined after a full evidentiary hearing that
19 the defendant “was in full control of his faculties” when the interviews took place

1 (internal quotation marks omitted)). Although Defendant continues to assert that the
2 conflicting evidence and inferences would support a different result, [MIO 3-4, 9] on
3 appeal we are not at liberty to re-weigh the evidence. *See generally State v. Neal*,
4 2007-NMSC-043, ¶ 15, 142 N.M. 176, 164 P.3d 57 (observing, with respect to
5 suppression orders, that on appeal “we do not sit as trier of fact, recognizing that the
6 district court has the best vantage from which to resolve questions of fact and to
7 evaluate witness credibility . . . [t]herefore, we review the facts in the light most
8 favorable to the prevailing party, deferring to the district court’s factual findings so
9 long as substantial evidence exists to support those findings”). We therefore reject
10 Defendant’s argument.

11 {4} Accordingly, for the reasons stated in our notice of proposed summary
12 disposition and above, we affirm.

13 {5} **IT IS SO ORDERED.**

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CYNTHIA A. FRY, Judge

16 **WE CONCUR:**

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JAMES J. WECHSLER, Judge

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2 **LINDA M. VANZI, Judge**