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1           **IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

2 **STATE OF NEW MEXICO,**

3                   Plaintiff-Appellant,

4 v.

**No. 33,319**

5 **DARRYL PAUL,**

6                   Defendant-Appellee.

7 **APPEAL FROM THE DISTRICT COURT OF MCKINLEY COUNTY**

8 **Robert A. Aragon, District Judge**

9 Hector H. Balderas, Attorney General

10 Santa Fe, NM

11 M. Anne Kelly, Assistant Attorney General

12 Albuquerque, NM

13 for Appellant

14 Law Works LLC

15 John A. McCall

16 Albuquerque, NM

17 for Appellee

18   **MEMORANDUM OPINION**

19 **FRY, Judge.**

1 {1} This case is before us on remand from our Supreme Court. We previously filed  
2 an opinion in this case affirming the district court’s dismissal of Defendant’s vehicular  
3 homicide charge for lack of jurisdiction. *State v. Paul*, No. 33,319, mem. op. (N.M.  
4 Ct. App. Mar. 26, 2015). The Supreme Court granted the State’s petition for writ of  
5 certiorari and remanded the case for reconsideration of our decision in light of *State*  
6 *v. Steven B. (Steven B. II)*, 2015-NMSC-020, 352 P.3d 1181.

7 {2} Because this is a memorandum opinion and because we summarized the facts  
8 in our prior opinion, we do not reiterate the factual summary here. It suffices to say  
9 that we affirmed the district court’s dismissal of the charges against Defendant by  
10 relying on our own precedent, *State v. Steven B. (Steven B. I)*, 2013-NMCA-078, 306  
11 P.3d 509, and *State v. Dick*, 1999-NMCA-062, 127 N.M. 382, 981 P.2d 796. In those  
12 cases, we held that the area where the accident in the present case occurred—Parcel  
13 Three of the former Fort Wingate Military Reservation—was a dependent Indian  
14 community over which the State did not have jurisdiction. *See Steven B. I*, 2013-  
15 NMCA-078, ¶¶ 15-16; *Dick*, 1999-NMCA-062, ¶¶ 3-4. Our Supreme Court reversed  
16 the holding in *Steven B. I* and overruled the holding in *Dick* in *Steven B. II*. 2015-  
17 NMSC-020, ¶¶ 3, 36. The Court held that Parcel Three is not a dependent Indian  
18 community. *Steven B. II*, 2015-NMSC-020, ¶ 50.

19 {3} Because we are bound by Supreme Court precedent, *see Alexander v. Delgado*,

1 1973-NMSC-030, ¶ 9, 84 N.M. 717, 507 P.2d 778, we now conclude that the district  
2 court erred in dismissing the charge against Defendant. We reverse the district court's  
3 judgment and remand for proceedings consistent with this Opinion.

4 {4} **IT IS SO ORDERED.**

5 \_\_\_\_\_  
6 **CYNTHIA A. FRY, Judge**

7 **WE CONCUR:**

8 \_\_\_\_\_  
9 **MICHAEL D. BUSTAMANTE, Judge**

10 \_\_\_\_\_  
11 **LINDA M. VANZI, Judge**