

1 {1} Defendant John Box filed a docketing statement, appealing his convictions for
2 driving while under the influence (fifth offense), contrary to NMSA 1978, Section 66-
3 8-102(A), (H) (2010) and failure to give immediate notice of accident, contrary to
4 NMSA 1978, Section 66-7-206 (1991). [DS 1, 3; RP 21, 33, 46, 107] This Court
5 issued a calendar notice, proposing to summarily affirm the convictions. Defendant
6 has filed no memorandum in opposition to our notice of proposed disposition.

7 {2} We note that, in June 2014, Defendant filed a motion for appointment of
8 appellate counsel. [RP 120] The State did not concur because there was no showing
9 of indigency. [RP 120] A hearing was held that same month, and the district court
10 *temporarily* appointed the appellate public defender for the purposes of filling out an
11 indigent form because the court found that there was insufficient cause to find
12 Defendant indigent. [RP 137] Although that order was entered nearly a year ago, it
13 does not appear from the record, the docket, or the No. 1 file that the appellate public
14 defender was ever appointed to represent Defendant in his appeal. Accordingly, it
15 appears that Mr. Beauvais is still counsel for Defendant. Thus, as Defendant,
16 represented by private counsel, received our notice of proposed disposition but failed
17 to file a memorandum in response to our notice of proposed disposition, for the
18 reasons stated in our notice of proposed disposition, we affirm Defendant's
19 convictions.

1 {3} **IT IS SO ORDERED.**

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JAMES J. WECHSLER, Judge

4 **WE CONCUR:**

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6 **MICHAEL D. BUSTAMANTE, Judge**

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8 **TIMOTHY L. GARCIA, Judge**