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

2 **STATE OF NEW MEXICO,**

3 Plaintiff-Appellee,

4 v.

No. 34,177

5 **JEANNINE LEYBA,**

6 Defendant-Appellant.

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

8 **Brett Loveless, District Judge**

9 Hector H. Balderas, Attorney General

10 Santa Fe, NM

11 for Appellee

12 Jorge A. Alvarado, Chief Public Defender

13 Steven J. Forsberg, Assistant Public Defender

14 Albuquerque, NM

15 for Appellant

16 **MEMORANDUM OPINION**

17 **WECHSLER, Judge.**

1 {1} Defendant appeals from the district court’s judgment affirming her DWI
2 conviction following an on-record appeal from her metropolitan court conviction. [RP
3 59, 69] Our notice proposed to affirm, and Defendant filed a memorandum in
4 opposition (MIO). We remain unpersuaded by Defendant’s arguments and therefore
5 affirm.

6 {2} Defendant continues to argue that the officer lacked probable cause to arrest her
7 for DWI. [DS 10; MIO 1] *See generally State v. Granillo-Macias*, 2008-NMCA-021,
8 ¶¶ 7, 9, 143 N.M. 455, 176 P.3d 1187 (setting forth our standard of review and
9 providing that probable cause to arrest exists “when the facts and circumstances
10 within the officer’s knowledge are sufficient to warrant the officer to believe that an
11 offense has been or is being committed”). Defendant does not dispute the facts, but
12 urges this Court to re-examine the legal conclusion reached by the metropolitan court.
13 [MIO 1] For the reasons detailed in our notice, however, we agree with the
14 metropolitan court’s ruling, and we therefore affirm.

15 {3} **IT IS SO ORDERED.**

16
17

JAMES J. WECHSLER, Judge

18 **WE CONCUR:**

1

2 **MICHAEL D. BUSTAMANTE, Judge**

3

4 **M. MONICA ZAMORA, Judge**