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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. 34,178

5 **JASON PACHECO,**

6 Defendant-Appellant.

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

8 **Charles W. Brown, 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 Appellate Defender

14 Santa Fe, NM

15 for Appellant

16 **MEMORANDUM OPINION**

17 **BUSTAMANTE, Judge.**

1 {1} Defendant Jason Pacheco appeals from the district court's affirmance of the
2 metropolitan court's conviction for driving while under the influence of intoxicating
3 liquor. [DS 1; RP 1, 78] In this Court's notice of proposed disposition, we proposed
4 to affirm Defendant's convictions and adopt the memorandum opinion of the district
5 court. [CN 1-2] Defendant filed a memorandum in opposition. We have given due
6 consideration to the memorandum in opposition, and, remaining unpersuaded, we
7 affirm Defendant's convictions.

8 {2} Defendant raises no new arguments apart from those that he made in his
9 docketing statement [DS 11] and in the statement of the issues he filed with the district
10 court in his on-record appeal [RP 49-60]. In this Court's notice of proposed
11 disposition, we proposed to adopt the district court's thorough and well-reasoned
12 memorandum opinion in response to Defendant's arguments. [CN 1-2; *see also* RP
13 69-75] Defendant has failed to raise any new arguments or issues to convince us to
14 reconsider our proposed adoption of the district court's memorandum opinion. As
15 such, all of the arguments in Defendant's memorandum in opposition have been
16 addressed by this Court in its notice of proposed disposition and/or the district court's
17 memorandum opinion this Court proposed to adopt in our notice of proposed
18 disposition, and we refer Defendant to the responses therein. [*See* RP 69-75]

1 {3} Accordingly, for the reasons set forth in our notice of proposed disposition and
2 herein, and for the reasons articulated in the memorandum opinion of the district
3 court, we affirm Defendant's convictions.

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

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MICHAEL D. BUSTAMANTE, Judge

8 **WE CONCUR:**

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MICHAEL E. VIGIL, Chief Judge

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JONATHAN B. SUTIN, Judge