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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

2 STATE OF NEW MEXICO,

Plaintiff-Appellee,

4 v.

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No. 34,187

5 ALEXANDER MORGAN,

6 Defendant-Appellant.

7 APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY 8 Judith Nakamura, 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

 MEMORANDUM OPINION

 17
 BUSTAMANTE, Judge.

I {1} Defendant has appealed from a conviction for DWI. We previously issued a
 notice of proposed summary disposition in which we proposed to uphold the
 conviction. Defendant has filed a memorandum in opposition. After due consideration,
 we remain unpersuaded. We therefore affirm.

5 [2] Defendant has challenged the denial of his motion to suppress. In the notice of
6 proposed summary disposition we opined that the traffic stop and ensuing
7 investigation were within the applicable constitutional parameters. *See, e.g., State v.*8 *Walters*, 1997-NMCA-013, ¶¶ 5, 25-26, 123 N.M. 88, 149 P.3d 282 (arriving at the
9 same conclusion under analogous circumstances).

In his memorandum in opposition Defendant continues to assert that the "mere
temporary blockage of traffic while his emergency flashers were operating did not
warrant the officer acting in a community caretaking role[,]" but implicitly
acknowledges that *Walters* provides otherwise. [MIO 1] We remain unpersuaded by
Defendant's argument, and adhere to our initial assessment. To the extent Defendant
is impliedly asking us to reconsider *Walters*, we decline to do so.

16 {4} Accordingly, for the foregoing reasons, as well as the reasons set forth in the17 notice of proposed summary disposition, we affirm.

18 {5} IT IS SO ORDERED.

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1 2	MICHAEL D. BUSTAMANTE, Judge
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4	MICHAEL E. VIGIL, Chief Judge
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6 7	JAMES J. WECHSLER, Judge
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