



1 {1} Defendant has appealed from a conviction for DWI. We previously issued a  
2 notice of proposed summary disposition in which we proposed to uphold the  
3 conviction. Defendant has filed a memorandum in opposition. After due consideration,  
4 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).

10 {3} In his memorandum in opposition Defendant continues to assert that the “mere  
11 temporary blockage of traffic while his emergency flashers were operating did not  
12 warrant the officer acting in a community caretaking role[.]” but implicitly  
13 acknowledges that *Walters* provides otherwise. [MIO 1] We remain unpersuaded by  
14 Defendant’s argument, and adhere to our initial assessment. To the extent Defendant  
15 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 the  
17 notice of proposed summary disposition, we affirm.

18 {5} **IT IS SO ORDERED.**

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**MICHAEL D. BUSTAMANTE, Judge**

3 **WE CONCUR:**

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5 **MICHAEL E. VIGIL, Chief Judge**

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7 **JAMES J. WECHSLER, Judge**