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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

2 STATE OF NEW MEXICO,

Plaintiff-Appellee,

4 v. NO. 34,263

5 OZE KOREH,

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Defendant-Appellant.

7 APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY 8 Christina P. Argyres, 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

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MEMORANDUM OPINION

WECHSLER, Judge.

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- Defendant has appealed from a conviction for DWI. We previously issued a **{1**} notice of proposed summary disposition in which we proposed to uphold the conviction. Defendant has filed a memorandum in opposition. After due consideration, 5 we remain unpersuaded. We therefore affirm.
- Defendant has challenged the denial of his motion to suppress based upon the 6 **{2}** loss of two video recordings. In the notice of proposed summary disposition we 8 opined that the court duly considered the relevant factors, see generally State v. Chouinard, 1981-NMSC-096, ¶¶ 23-24, 96 N.M. 658, 634 P.2d 680, and 10 appropriately concluded that weightier sanctions were not warranted. See, e.g., State v. Duarte, 2007-NMCA-012, ¶¶ 11-12, 140 N.M. 930, 149 P.3d 1027 (arriving at the same conclusion under analogous circumstances).
- 13 Defendant does not take issue with our analysis. Instead, he invites the Court **{3}** 14 to re-examine *Chouinard*. [MIO 1] We must decline the invitation. See generally 15 Alexander v. Delgado, 1973-NMSC-030, ¶ 9, 84 N.M. 717, 507 P.2d 778 ("[T]he Court of Appeals is to be governed by the precedents of this [C]ourt.).
- 17 Accordingly, for the foregoing reasons, as well as the reasons set forth in the **{4**} 18 notice of proposed summary disposition, we affirm.
- 19 IT IS SO ORDERED. **{5}**

	JAMES J. WECHSLER, Judge
WE CONCUR:	
LINDA M. VANZI, Judge	
M. MONICA ZAMORA, Judge	