

1 **WECHSLER, Judge.**

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

6 {2} Defendant has challenged the denial of his motion to suppress based upon the
7 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.*
9 *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*
11 *v. Duarte*, 2007-NMCA-012, ¶¶ 11-12, 140 N.M. 930, 149 P.3d 1027 (arriving at the
12 same conclusion under analogous circumstances).

13 {3} Defendant does not take issue with our analysis. Instead, he invites the Court
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
16 Court of Appeals is to be governed by the precedents of this [C]ourt.”).

17 {4} Accordingly, for the foregoing reasons, as well as the reasons set forth in the
18 notice of proposed summary disposition, we affirm.

19 {5} **IT IS SO ORDERED.**

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JAMES J. WECHSLER, Judge

3 **WE CONCUR:**

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5 **LINDA M. VANZI, Judge**

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7 **M. MONICA ZAMORA, Judge**