

1 **IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

Court of Appeals of New Mexico  
Filed 5/15/2023 11:54 AM

2 **STATE OF NEW MEXICO,**

3 Plaintiff-Appellee,



Mark Reynolds

4 v.

**No. A-1-CA-40730**

5 **ROBERT CHARLES MILLER,**

6 Defendant-Appellant.

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

8 **Steven Blankinship, District Court Judge**

9 Raúl Torrez, Attorney General

10 Santa Fe, NM

11 for Appellee

12 Bennett J. Baur, Chief Public Defender

13 Melanie C. McNett, Assistant Appellate Defender

14 Santa Fe, NM

15 for Appellant

16 **MEMORANDUM OPINION**

17 **HENDERSON, Judge.**

18 {1} This matter was submitted to the Court on the brief in chief pursuant to the  
19 Administrative Order for Appeals in Criminal Cases Involving the Law Offices of  
20 the Public Defender, from the Twelfth Judicial District Court in *In re Pilot Project*  
21 *for Criminal Appeals*, No. 2021-002, effective September 1, 2021. Having  
22 considered the brief in chief, concluding the briefing submitted to the Court provides

1 no possibility for reversal, and determining that this case is appropriate for resolution  
2 on Track 1 as defined in that order, we affirm for the following reasons.

3 {2} Defendant appeals following a jury trial conviction for possession of a  
4 controlled substance (methamphetamine), contrary to NMSA 1978, Section 30-31-  
5 23(E) (2019, amended 2021). On appeal, Defendant argues that, prior to trial, the  
6 district court erred by failing to suppress drug evidence found as a result of an  
7 unreasonable search and seizure by a police officer. [BIC 5; 2 RP 310-15]  
8 Specifically, Defendant argues that the search was unreasonable because the police  
9 officer did not know about the arrest warrants for Defendant prior to arriving at the  
10 residence. [BIC 6]

11 {3} The district court held a hearing on Defendant’s motion to suppress prior to  
12 the jury trial. At that hearing, the officer testified that he was dispatched to a mobile  
13 home to conduct a welfare check on an eight-year-old child. [2-17-22 CD 10:13:30;  
14 1 RP 12] The person who called in the welfare check was the child’s father. [2-17-  
15 22 CD 10:17:50] He was concerned that the child’s mother was allowing a man who  
16 uses drugs to live in her home with the child. [Id.; 1 RP 12] The caller identified that  
17 man as Defendant, and dispatch noted that the caller advised that [Defendant] had  
18 an outstanding warrant for his arrest.” [2 RP 291; 2-17-22 CD 10:16:38] When the  
19 officer arrived at the residence, the child’s mother answered the front door. As they  
20 were talking in the doorway, a man walked into the living room behind the child’s

1 mother. [2-17-22 CD 10:14:40] The officer confirmed that the man was Defendant  
2 and asked him to step outside to address the warrant, so that the arrest would not be  
3 made in front of the child. [2-17-22 CD 10:14:45] The officer placed Defendant in  
4 handcuffs and informed him that he was under arrest, and then searched Defendant  
5 incident to arrest. [2-17-22 CD 10:14:55] In Defendant’s front left pocket, the officer  
6 found a substance that appeared to be methamphetamine in a small tin container. [2-  
7 17-22 CD 10:15:13] Defendant moved to suppress the evidence. [2 RP 279-85]

8 {4} “Appellate review of a motion to suppress presents a mixed question of law  
9 and fact.” *State v. Paananen*, 2015-NMSC-031, ¶ 10, 357 P.3d 958 (internal  
10 quotation marks and citation omitted). The appellate court reviews “factual matters  
11 with deference to the district court’s findings if substantial evidence exists to support  
12 them, and it reviews the district court’s application of the law de novo.” *State v.*  
13 *Almanzar*, 2014-NMSC-001, ¶ 9, 316 P.3d 183.

14 {5} A warrantless search incident to legal arrest is a well-established exception to  
15 the warrant requirement, and is “considered reasonable because of the practical need  
16 to prevent the arrestee from destroying evidence or obtaining access to weapons or  
17 instruments of escape, without any requirement of specific probable cause to believe  
18 weapons or evidence are present in a particular situation.” *State v. Rowell*, 2008-  
19 NMSC-041, ¶ 13, 144 N.M. 371, 188 P.3d 95 (citing *State v. Paul T.*, 1999-NMSC-  
20 037, ¶ 11, 128 N.M. 360, 993 P.2d 74). Defendant does not challenge this long-

1 standing exception to the warrant requirement, nor does Defendant challenge the  
2 validity of the outstanding arrest warrants [2 RP 296-97]; instead his arguments as  
3 to the district court’s denial of the motion to suppress focus on the legality of the  
4 arrest itself. Defendant asserts that his arrest was unlawful because the officer did  
5 not have sufficient personal knowledge about the arrest warrants to affect a lawful  
6 arrest at the time that he arrived at the residence for an unrelated welfare check. [BIC  
7 6-7] Defendant claims that the district court’s finding that the officer confirmed the  
8 existence of an outstanding arrest warrants for Defendant “is not supported by  
9 substantial evidence.” [BIC 7] We disagree.

10 {6} Substantial evidence is defined as “such relevant evidence as a reasonable  
11 mind might accept as adequate to support a conclusion.” *State v. Salgado*, 1999-  
12 NMSC-008, ¶ 25, 126 N.M. 691, 974 P.2d 661 (internal quotation marks and citation  
13 omitted), *overruled on other grounds by State v. Martinez*, 2021-NMSC-002, 478  
14 P.3d 880. The testimony of a single witness constitutes sufficient evidence to uphold  
15 a conviction. *See, e.g., State v. Roybal*, 1992-NMCA-114, ¶ 9, 115 N.M. 27, 846  
16 P.2d 333. The State presented ample evidence to show that the officer knew about  
17 valid arrest warrants for Defendant well before encountering Defendant. The officer  
18 testified multiple times that dispatch informed him of Defendant’s warrants prior to  
19 when the officer arrived on scene. [2-17-22 CD 10:14:20; 10:16:38; 10:18:18] On a  
20 recross-examination, the officer answered that he was “very, very positive” that he

1 had “received that information [regarding the arrest warrants] prior to even pulling  
2 up in the mobile home park.” [2-17-22 CD 10:19:51] The officer’s testimony was  
3 supported by the dispatch report, of which the district court took judicial notice [2-  
4 17-22 CD 10:20:25], which states, “[Reporting party] advised that [Defendant] had  
5 an outstanding warrant for his arrest.” [2 RP 291] “Narrative #2” in the report, which  
6 was completed by the officer, states that “[p]rior to arriving at the residence, I was  
7 advised by APD Dispatch that [Defendant] has two confirmed warrants out of Otero  
8 County Sheriff’s Office.” [2 RP 291] We also note that the district court explicitly  
9 found the officer’s testimony “to be credible and trustworthy.” [2 RP 315] In light  
10 of this evidence presented to the district court, this Court concludes that substantial  
11 evidence existed to support the finding contested by Defendant and the district  
12 court’s denial of Defendant’s motion to suppress.

13 {7} Defendant argues, and we acknowledge, that the district court’s order denying  
14 Defendant’s motion somewhat mischaracterizes the evidence. [BIC 7] The district  
15 court wrote that the officer “prior to arriving at the residence, ran the name of  
16 [Defendant] through the Otero County Sheriff’s Office dispatch and learned that  
17 [Defendant] had an outstanding warrant for his arrest.” [2 RP 314, ¶ 25] The district  
18 court also found that the officer “had a lawful and reasonable basis for responding  
19 to the residence as well as running a ‘wants and warrants’ check on [Defendant]  
20 whom was suspected to be located at the residence.” [2 RP 314, ¶ 27] This is an

1 inartful summary of the evidence; it does not appear that the officer himself “ran the  
2 name” of Defendant, but he did testify dispatch relayed such information to him,  
3 which was supported by the dispatch report itself. Thus, we decline to conclude that  
4 the district court’s errors in summarizing the testimony should result in reversal in  
5 favor of Defendant. *See Normand ex rel. Normand v. Ray*, 1990-NMSC-006, ¶ 35,  
6 109 N.M. 403, 785 P.2d 743 (“Findings of fact are to be liberally construed so as to  
7 uphold the judgment of the trial court. [E]ven where specific findings adopted by the  
8 trial court are shown to be erroneous, if they are unnecessary to support the judgment  
9 of the court and other valid material findings uphold the trial court’s decision, the  
10 trial court’s decision will not be overturned.” (citation omitted)).

11 {8} Furthermore, to the extent that Defendant’s assertions ask this Court to impose  
12 a heightened standard as to an officer’s absolute knowledge of arrest warrants, we  
13 note that such a rule would be contrary to our case law. This Court has rejected such  
14 overly technical arguments as to lawful arrests in the past. *See, e.g., State v. Widmer*,  
15 2021-NMCA-003, ¶ 6, 482 P.3d 1254 (concluding that the defendant’s arrest,  
16 pursuant to valid and unchallenged arrest warrants was lawful, irrespective of  
17 compliance with local police department policy regarding secondary confirmation  
18 of the accuracy of the arrest warrant); *State v. Grijalva*, 1973-NMCA-061, ¶¶ 5, 10-  
19 13, 85 N.M. 127, 509 P.2d 894 (holding that arrest and seizure were lawful where  
20 dispatch indicated the defendant had an outstanding warrant and that in the absence

1 of a challenge to the validity of an arrest warrant, physical possession of the warrant  
2 is not required for a lawful arrest).


3 {9} For these above reasons, we conclude that the district court did not err in  
4 denying Defendant's motion to suppress the evidence resulting from a search  
5 incident to a lawful arrest.

6 {10} **IT IS SO ORDERED.**

7  
8   
SHAMMARA H. HENDERSON, Judge

9 **WE CONCUR:**

10   
11 ZACHARY A. IVES, Judge

12   
13 JANE B. YOHALEM, Judge