

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

STATE OF NEW MEXICO,

Court of Appeals of New Mexico
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Plaintiff-Appellant,


Mark Reynolds

v.

No. A-1-CA-40221

FELISHA GARCIA,

Defendant-Appellee.

APPEAL FROM THE DISTRICT COURT OF COLFAX COUNTY

Melissa A. Kennelly, District Court Judge

Raúl Torrez, Attorney General

Santa Fe, NM

Peadar Séamas Ó Conchobhair, Assistant Solicitor General

Albuquerque, NM

for Appellant

Bennett J. Baur, Chief Public Defender

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Santa Fe, NM

for Appellee

MEMORANDUM OPINION

YOHALEM, Judge.

{1} This case is before this Court on remand from the Supreme Court for further
proceedings following its decision in *State v. Vasquez*, 2025-NMSC-008, ¶ 39, 563
P.3d 901. The State appeals the district court's order suppressing evidence of
possession of narcotics seized during a traffic stop of a car in which Defendant

1 Felicia Garcia was a passenger. The district court concluded that the State failed to
2 carry its burden to show that the law enforcement officer (the Officer) who made the
3 traffic stop had reasonable suspicion either that the driver had committed a traffic
4 violation or that Defendant was subject to an active arrest warrant. Concluding that
5 the stop was unreasonable, the district court suppressed the evidence obtained
6 pursuant to Article II, Section 10 of the New Mexico Constitution. We affirm.

7 **DISCUSSION**

8 **I. The District Court Met the Particularity Requirement, Giving the State** 9 **an Adequate Opportunity to Respond**

10 {2} We address first the State’s claim on appeal that the district court’s sua sponte
11 order for a suppression hearing and opportunity for briefing lacked the particularity
12 required of a sua sponte court order for a suppression hearing. “We review the
13 particularity requirements for a sua sponte order for a suppression hearing de novo.”
14 *Vasquez*, 2025-NMSC-008, ¶ 39.

15 {3} Requirements for a motion to suppress filed by defense counsel are outlined
16 in Rule 5-212 NMRA. Rule 5-120(A) NMRA further provides that a motion to
17 suppress “shall state with particularity the grounds therefor, and shall set forth the
18 relief or order sought.” This provision has been applied to require specificity in the
19 statement of a defendant’s legal theory in a motion to suppress evidence. *See*
20 *Vasquez*, 2025-NMSC-008, ¶ 39. Our Supreme Court in *Vasquez* recognized the
21 extension of the particularity requirements of Rule 5-120(A) to trial judges who seek

1 to exclude evidence sua sponte. *See Vasquez*, 2025-NMSC-008, ¶ 40 (explaining
2 that our Supreme Court “has previously held a trial judge to the standards of counsel
3 where a trial judge sua sponte excluded evidence during a trial”).

4 {4} Although we agree with the State that the particularity requirement applies to
5 the district court when the court sua sponte orders a suppression hearing, we do not
6 agree that the district court violated this requirement. The State bases its argument
7 on what it complains is inadequate notice in the district court’s order asking for
8 briefing by both parties and scheduling a suppression hearing. The State argues on
9 appeal that this order fails to specify “the date and nature of the search, whether it
10 was a vehicular stop, home entry, frisk, arrest, or evidence collection, or what
11 evidence the [district court] is contemplating suppressing.”

12 {5} We are not persuaded. The State fails to acknowledge in its appellate brief
13 that the district court attached the Officer’s probable cause affidavit to the order for
14 a suppression hearing. The Officer’s statement of probable cause informs the State
15 of every fact the State argues is missing from the court’s order. It describes the date
16 and time of the traffic stop, the reason put forward by the Officer for the stop and
17 for the search, and describes the items seized. The district court stated in its order
18 that “[t]he information within the four corners of the statement of probable cause,
19 *attached hereto*, indicate[s] that the search(es) and/or seizure(s) in this matter were

1 unreasonable under the Fourth Amendment of the United States Constitution and/or
2 Article II, Section 10 of the New Mexico Constitution.”

3 {6} We agree with the district court that the court’s order for hearing, stating that
4 the Officer’s attached statement of probable cause failed to articulate reasonable
5 suspicion for the traffic stop and ensuing search and seizure, was sufficient to put
6 the State on notice of the issue for hearing. The State should have been on notice
7 that it needed to provide additional evidence from the Officer about his reasons for
8 the stop and the ensuing search. *See State v. Esguerra*, 1991-NMCA-147, ¶ 17, 113
9 N.M. 310, 825 P.2d 243 (concluding that minimal specificity, for example claiming
10 “there was no probable cause to arrest,” is sufficient (internal quotation marks and
11 citation omitted)). These two issues were readily apparent from the probable cause
12 statement.

13 {7} Moreover, the State was given an adequate opportunity to respond to the
14 court’s concerns prior to the issuance of the suppression order. *Vasquez* explains that
15 the purpose of the particularity requirement is to give the State adequate opportunity
16 to respond and to make its case that constitutional requirements were met. *See* 2025-
17 NMSC-008, ¶¶ 40-41. That purpose was achieved here. After issuing the initial order
18 with its opportunity for briefing, the district court held an evidentiary hearing where
19 the State presented the testimony of the Officer, who had conducted the stop and
20 seized the evidence of drug possession as well as drafting the affidavit. After the

1 Officer referred to his body camera footage of the traffic stop at the hearing in
2 support of his testimony, the court gave the State the opportunity to supplement the
3 record with that footage. The court also provided the State a list of legal issues that
4 arose from the Officer's testimony in conjunction with his probable cause statement,
5 and gave the State a full thirty days to brief those issues following the hearing, which
6 the State did. Only after considering the parties' briefs did the district court enter
7 detailed findings and conclusions along with an order suppressing the evidence.

8 {8} We are persuaded by this record that the purpose of the particularity
9 requirement—giving the prosecution a full opportunity to meet its burden to
10 demonstrate that the traffic stop and the search that followed were reasonable—was
11 fully satisfied in this case.

12 **II. The District Court's Determination That the Officer's Testimony Was**
13 **Not Credible Is Supported by Substantial Evidence in the Record**

14 {9} The State next claims that the district court erred in refusing to find the
15 Officer's testimony at the suppression hearing as to his reasons for the stop credible.
16 The Officer claimed he had reasonable and articulable suspicion to initiate a traffic
17 stop on two bases: (1) he saw the driver commit a traffic violation by "stopp[ing]
18 too far into the intersection at a red light"; or, in the alternative, (2) he recognized
19 Defendant in the passenger seat as he passed the car heading in the opposite
20 direction, and the Officer knew Defendant had an active bench warrant for her arrest,
21 so he turned around and initiated the traffic stop.

1 {10} The district court refused to make the findings requested by the State that the
2 stop was reasonable on one or both bases the Officer claimed he relied on because
3 the court found the Officer's testimony not credible. Noting that the State chose not
4 to supplement the record with the Officer's body camera footage despite having been
5 given an opportunity to do so, the district court was left with the Officer's testimony
6 as the only evidence in the record. In the absence of credible evidence, the court
7 correctly found that the State had failed to carry its burden to establish that the stop
8 was supported by reasonable suspicion.

9 {11} Although the district court need not make explicit findings concerning the
10 basis for its credibility determination, the district court did so here. The State
11 challenges these findings of fact, claiming that they are not supported by substantial
12 evidence in the record and that this lack of support undermines the district court's
13 credibility determination. We conclude that the district court's findings of fact are
14 amply supported by evidence in the record and defer to the court's credibility
15 determination as required by our standard of review.

16 **A. Standard of Review**

17 {12} “[A] motion to suppress presents a mixed question of law and fact.” *State v.*
18 *Paananen*, 2015-NMSC-031, ¶ 10, 357 P.3d 958 (internal quotation marks and
19 citation omitted). The State on appeal challenges only the factual basis of the district
20 court's decision suppressing the evidence. We review the factual basis of the court's

1 ruling suppressing the evidence for substantial evidence. *See State v. Williams*, 2011-
2 NMSC-026, ¶ 8, 149 N.M. 729, 255 P.3d 307. In reviewing a substantial evidence
3 claim, “[w]hen the evidence conflicts, we consider the evidence that supports the
4 district court’s ruling; and we will draw all inferences and indulge all presumptions
5 in favor of the district court’s ruling.” *See State v. Jason L.*, 2000-NMSC-018, ¶ 11,
6 129 N.M. 119, 2 P.3d 856. “The fact that another district court could have drawn
7 different inferences on the same facts does not mean this district court’s findings
8 were not supported by substantial evidence.” *Id.* ¶ 10.

9 {13} “When acting as the fact-finder at a suppression hearing, the district court
10 must evaluate the credibility of witnesses and determine the weight to which the
11 evidence is entitled.” *State v. Martinez*, 2018-NMSC-007, ¶ 14, 410 P.3d 186. On
12 appeal, this Court defers to the credibility determinations of the district court. We
13 are mindful that “[a]s a reviewing court we do not sit as a trier of fact; the district
14 court is in the best position to resolve questions of fact and to evaluate the credibility
15 of witnesses.” *Id.* (internal quotation marks and citation omitted). Finally, if a finding
16 is made against the party with the burden of proof, “we can affirm if it was rational
17 for the district court to disbelieve the evidence offered by that party.” *Sanchez v.*
18 *Saylor*, 2000-NMCA-099, ¶ 12, 129 N.M. 742, 13 P.3d 960.

B. The District Court’s Challenged Findings Are Supported by Substantial Evidence

{14} Applying this standard of review, we turn to the specific findings of fact challenged by the State on appeal. The State’s sufficiency of the evidence argument focuses on the district court’s finding that there were “numerous material inconsistencies between the [O]fficer’s [s]tatement of [p]robable [c]ause and the [O]fficer’s suppression hearing testimony.” The court specifically found that: (1) the Officer’s testimony at the suppression hearing that he stopped the car because of a red-light traffic violation conflicted with the Officer’s probable cause statement’s description of stopping the car because Defendant appeared to duck down in the car when she saw his police car drive by in the opposite direction; (2) the Officer’s testimony at the suppression hearing that he identified Defendant only when he approached the car after stopping it conflicted with the probable cause statement’s representation that the Officer identified Defendant as he drove by; and (3) the Officer’s testimony that he knew before the stop that Defendant had an arrest warrant conflicted with the Officer’s representation in his statement of probable cause describing his discovery of the warrant only after he stopped the car. We find ample support in the record for these challenged findings of fact. We address each challenged finding in turn.

{15} First, we address the conflicting testimony about whether the Officer stopped the car for failing to stop at a red light. In his direct testimony at the suppression

1 hearing, the Officer testified that he stopped the car because it “stopped basically . . .
2 halfway within the intersection” at a red light, noting that this traffic violation is
3 what drew his attention to the vehicle. In his statement of probable cause, in contrast,
4 the Officer stated that he stopped the car for the following reason:

5 I observed a female known to me as [Defendant] sitting low in the front
6 passenger seat when she saw my marked patrol unit. I safely turned my
7 patrol unit around I engaged my emergency equipment
8 (light/sirens) and conducted a traffic stop on the vehicle.

9 The reason for the stop given by the probable cause statement—that he turned
10 around, followed the car, and stopped it because he saw Defendant slouched down
11 in the passenger seat—and his testimony that he stopped the car because it ran a red
12 light are plainly in conflict.

13 {16} The second and third set of findings challenged by the State as without support
14 in the record concern another conflict between the Officer’s testimony at the
15 suppression hearing and the same statement quoted above from the Officer’s
16 probable cause statement about his reasons for initiating the stop. The Officer
17 represents in his probable cause statement that he recognized Defendant from his
18 patrol car as he drove by in the opposite direction, and that he saw Defendant “sitting
19 low” in her seat when she saw the police car. He does not state that he knew at this
20 time that she had an active warrant for her arrest. The Officer instead describes
21 checking for warrants *after* he stopped the car.

1 {17} In his testimony at the suppression hearing, the Officer does not mention
2 seeing Defendant slouching until he stopped the car for the red-light violation, nor
3 does he describe turning around and following the car prior to the traffic stop. Rather,
4 he claims to have seen Defendant for the first time just prior to the traffic stop, at the
5 red light, and claims that he happened to know that Defendant had an outstanding
6 warrant because he checked at the station at the beginning of his shift.

7 {18} The Officer's testimony at the suppression hearing, compared to his statement
8 of probable cause, thus provides substantial evidence to support the district court's
9 findings that "[t]here is an important inconsistency between [the Officer]'s sworn
10 [s]tatement of [p]robable [c]ause and his sworn suppression hearing testimony as to
11 the reason for the traffic stop" and that there are additional important inconsistencies
12 in the Officer's sworn statements "concerning how and when he identified
13 [Defendant] as the passenger and how and when he came to learn that [Defendant]
14 had an active arrest warrant."

15 {19} The State argues on appeal that all of the Officer's statements can be read
16 consistently, and that therefore the district court's finding that the Officer's
17 testimony was inconsistent is not supported by substantial evidence. The State
18 claims the Officer never explicitly said in his probable cause statement that he
19 stopped the car *only* because he saw Defendant slouch down when she saw a police
20 car. The State postulates the Officer meant that he turned around and followed the

1 car because Defendant ducked down, but he only stopped the car when the driver
2 failed to timely stop at the red light. The State also argues, in the alternative, that the
3 Officer could have meant in the probable cause statement that he *recognized*
4 Defendant when he drove past going in the opposite direction, but only conclusively
5 *identified* her after the stop.

6 {20} Even if the State's strained construction of the Officer's testimony is
7 plausible, the State's argument ignores both the State's burden of proof at the hearing
8 on suppression of the evidence and this Court's standard of review on appeal. The
9 district court was charged with determining the credibility of the witnesses, weighing
10 the evidence, and, making the ultimate determination of where the truth lies. *See*
11 *Romero v. H. A. Lott, Inc.*, 1962-NMSC-037, ¶ 11, 70 N.M. 40, 369 P.2d 777 ("[I]t
12 is the duty of the trier of the facts to weigh the evidence, determine the credibility of
13 the witness and the weight to be given the testimony, and, where the truth lies.").
14 Inconsistencies or contradictions in a witness's testimony have long been recognized
15 as a rational basis for questioning a witness's credibility. *See id.* ("[I]nconsistencies
16 or perhaps contradictions in the testimony of a witness . . . affect [their] credibility.");
17 *see also Jason L.*, 2000-NMSC-018, ¶ 10 ("Conflicts in the evidence, even within
18 the testimony of a witness, are to be resolved by the fact[-]finder."). The State's
19 claim that the Officer's statements were ambiguous and could possibly be construed

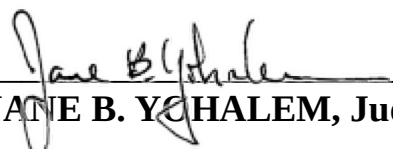
as consistent does not provide a basis for overturning the district court's finding, supported by substantial evidence, that the statements were inconsistent.

{21} The district court's readily apparent conclusion from these inconsistencies that the Officer's testimony was not credible is a rational conclusion, supported not only by the court's findings of fact concerning the inconsistencies, but by the court's additional findings, not challenged on appeal, concerning the State's failure to supplement the record with the Officer's body camera footage. Most importantly, under our standard of review, we defer to the district court's rational evaluation of a witness's credibility. *See Sanchez*, 2000-NMCA-099, ¶ 12 (holding that "we can affirm [a finding against the party with the burden of proof] if it was rational for the district court to disbelieve the evidence offered by that party").

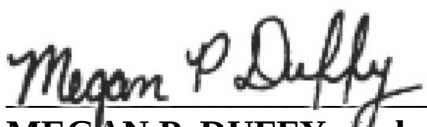
CONCLUSION

{22} We affirm the district court's order suppressing the evidence.

{23} **IT IS SO ORDERED.**


JANE B. YCHALEM, Judge

WE CONCUR:


MEGAN P. DUFFY, Judge


ZACHARY A. IVES, Judge