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

**STATE OF NEW MEXICO,**

Plaintiff-Appellee,

v. **NO. 31,529**

**THADDEUS CARTER,**

Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT OF SAN JUAN COUNTY**
**Thomas J. Hynes, District Judge**

Gary K. King, Attorney General
Santa Fe, NM

for Appellee

Jacqueline L. Cooper, Acting Chief Public Defender
Kathleen T. Badridge, Assistant Appellate Defender
Santa Fe, NM

for Appellant

**MEMORANDUM OPINION**

**FRY, Judge.**

Defendant appeals the denial of his motion to suppress evidence. In our notice, we proposed to affirm. Defendant has timely responded. We have considered his arguments and, finding them unpersuasive, affirm.

In our notice, we proposed to conclude that because police had a felony arrest warrant for Defendant, they could go into his girlfriend's house to arrest him. *See State v. Krout*, 100 N.M. 661, 662-63, 674 P.2d 1121, 1122-23 (1984) (holding that an arrest warrant supported by probable cause provides a proper basis for police to enter a dwelling where the defendant resides when there is reason to believe that the defendant is within). Defendant recognizes this authority, but continues to argue that this only applies to the Defendant's home and not a third party's home. As we pointed out in our notice, the cases relied on by Defendant to support this argument are unpersuasive. [CN 3] Defendant does not point us to any other authorities. Thus, we rely on *Krout* to support the officers' authority to enter the residence to arrest Defendant. He was not only known to be at the residence, but he was seen there through an open door.

For the reasons stated herein and in the calendar notice, we affirm.

**IT IS SO ORDERED.**

**CYNTHIA A. FRY, Judge**

**WE CONCUR:**

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**LINDA M. VANZI, Judge**

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**TIMOTHY L. GARCIA, Judge**