

STATE OF NEW MEXICO
COUNTY OF GRANT
SIXTH JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO,
Plaintiff

v.

ISAIAS LOBATO-RODRIGUEZ,
Defendant.

FILED IN OPEN COURT

DATE 8/21/18 @ 8:20 am



DISTRICT JUDGE

D-608-CR-2017-00069
Hon. Jarod K. Hofacket

ORDER DENYING SECOND MOTION TO SUPPRESS

THIS MATTER having come before the Court on the Defendant's Motion to Suppress filed August 13, 2018. The Court having reviewed the pleadings, **FINDS** as follows:

1. The Second Motion to Suppress alleges no new facts from the initial Motion to Suppress. The transcripts from the interviews with the Agents do not supersede their sworn testimony from the Suppression hearing. Although they may provide material for impeachment at a future hearing, the Defendant pointed the Court to no inconsistencies.

2. Moreover, the transcripts of their interviews do not appear materially different from their testimony.

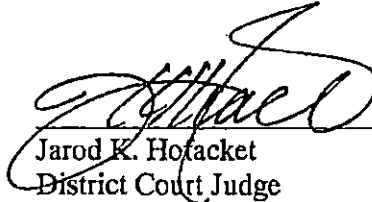
3. The Second Motion to Suppress (the "Second Motion") alleges that Agent John Enriquez is not fluent in Spanish and never advised the Defendant of his Miranda rights. The Second Motion asserts that Agent Adrian Garcia is fluent in Spanish, and that he questioned the Defendant, and that the Defendant thereafter gave incriminating statements. Then Agent Garcia gave the Defendant his Miranda warnings.

4. These allegations are all consistent with the testimony at the Motion to Suppress hearing.

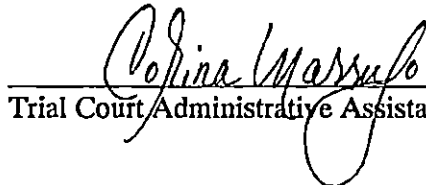
5. The Court has already ruled that the Defendant was not in custody in its June 22, 2018, Order Denying Suppression. The Defendant does not make any new arguments with respect to this conclusion, merely stating that "Agent Enriquez made it clear that the Defendant was in custody." Whether the Defendant was in custody is a legal conclusion for the Court, one that the Court has already made.

6. Having presented no new material facts for the Court's consideration, and repeating arguments that the Court has already considered and ruled upon, there is no need for an additional evidentiary hearing on the Second Motion to Suppress.

IT IS, THEREFORE, ORDERED, that the Second Motion to Suppress is DENIED.


Jarod K. Hofacket
District Court Judge

I hereby certify that on the 21st day of August, 2018, a copy of the foregoing was delivered to George Zsoka and George Harrison.


Corina Masullo
Trial Court Administrative Assistant