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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v. **NO. 30,713**

RUSSELL REED,

Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF EDDY COUNTY
J. Richard Brown, District Judge

Gary K. King, Attorney General
Nicole Beder, Assistant Attorney General
Santa Fe, NM

for Appellee

Hugh W. Dangler, Chief Public Defender
Santa Fe, NM
Nia Rucker, Assistant Public Defender
Carlsbad, NM

for Appellant

MEMORANDUM OPINION

KENNEDY, Judge.

Defendant appeals his conviction for aggravated battery on a household

member. We issued a notice of proposed summary disposition proposing summary reversal on a basis that the State offered insufficient evidence to establish victim was a "household member" within the meaning of NMSA 1978, Section 30-3-11(A) (2010). The State has responded that it does not oppose reversal of Defendant's conviction on that basis.

Accordingly, we reverse Defendant's conviction.

IT IS SO ORDERED.

RODERICK T. KENNEDY, Judge

WE CONCUR:

JONATHAN B. SUTIN, Judge

TIMOTHY L. GARCIA, Judge