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

2 **STATE OF NEW MEXICO,**

3 Plaintiff-Appellee,

4 **v.**

No. 36,334

5 **CHARLES TOWN,**

6 Defendant-Appellant.

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

8 **Angie K. Schneider, District Judge**

9 Hector H. Balderas, Attorney General

10 Santa Fe, NM

11 Charles J. Gutierrez, Assistant Attorney General

12 Albuquerque, NM

13 for Appellee

14 Bennett J. Baur, Chief Public Defender

15 Will O'Connell, Assistant Appellate Defender

16 Santa Fe, NM

17 for Appellant

18 **MEMORANDUM OPINION**

19 **GARCIA, Judge.**

20 {1} Defendant has appealed from a conviction for aggravated battery. We

1 previously issued a notice of proposed summary disposition in which we proposed to
2 reject Defendant's challenge to the sufficiency of the evidence, but to reverse in light
3 of an apparent evidentiary error. Defendant has filed a memorandum in support, and
4 the State has filed a memorandum indicating that it does not oppose.

5 {2} Accordingly, for the reasons previously stated, we reverse and remand for
6 further proceedings.

7 {3} **IT IS SO ORDERED.**

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TIMOTHY L. GARCIA, Judge

10 **WE CONCUR:**

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LINDA M. VANZI, Chief Judge

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HENRY M. BOHNHOFF, Judge