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

**No. A-1-CA-38308**

**STATE OF NEW MEXICO,**

Plaintiff-Appellee,

v.

**MARION LOOPE,**

Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT OF LOS ALAMOS COUNTY  
Jason Lidyard, District Judge**

Hector H. Balderas, Attorney General  
Maris Veidemanis, Assistant Attorney General  
Santa Fe, NM

for Appellee

Bennett J. Baur, Chief Public Defender  
Santa Fe, NM

for Appellant

**MEMORANDUM OPINION**

**HANISEE, Chief Judge.**

{1} Defendant appeals from her conviction, following a jury trial, for assault on a household member, asserting the jury instructions were flawed and the evidence was insufficient to convict Defendant. In this Court's notice of proposed disposition, we proposed to summarily reverse on the instructional issue and to remand for a new trial, given our proposed conclusion that the evidence was sufficient. [CN 7-8] The State filed a notice of intent not to file a memorandum in opposition. Defendant did not respond to our notice of proposed disposition, and the time for doing so has expired.

**{2}** Accordingly, for the reasons set forth in this Court's notice of proposed disposition, we reverse Defendant's conviction and remand for a new trial.

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

**J. MILES HANISEE, Chief Judge**

**WE CONCUR:**

**JACQUELINE R. MEDINA, Judge**

**BRIANA H. ZAMORA, Judge**