

STATE V. CHARLES TOWN

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**STATE OF NEW MEXICO,
Plaintiff-Appellee,
v.
CHARLES TOWN,
Defendant-Appellant.**

No. 36,334

COURT OF APPEALS OF NEW MEXICO

July 26, 2017

APPEAL FROM THE DISTRICT COURT OF OTERO COUNTY, Angie K. Schneider,
District Judge

COUNSEL

Hector H. Balderas, Attorney General, Santa Fe, NM, Charles J. Gutierrez, Assistant Attorney General, Albuquerque, NM, for Appellee

Bennett J. Baur, Chief Public Defender, Will O'Connell, Assistant Appellate Defender, Santa Fe, NM, for Appellant

JUDGES

TIMOTHY L. GARCIA, Judge. WE CONCUR: LINDA M. VANZI, Chief Judge, HENRY M. BOHNHOFF, Judge

AUTHOR: TIMOTHY L. GARCIA

MEMORANDUM OPINION

GARCIA, Judge.

{1} Defendant has appealed from a conviction for aggravated battery. We previously issued a notice of proposed summary disposition in which we proposed to reject

Defendant's challenge to the sufficiency of the evidence, but to reverse in light of an apparent evidentiary error. Defendant has filed a memorandum in support, and the State has filed a memorandum indicating that it does not oppose.

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

{3} IT IS SO ORDERED.

TIMOTHY L. GARCIA, Judge

WE CONCUR:

LINDA M. VANZI, Chief Judge

HENRY M. BOHNHOFF, Judge