

<b>STATE V. REED</b>
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**STATE OF NEW MEXICO,**  
Plaintiff-Appellee,  
**v.**  
**RUSSELL REED,**  
Defendant-Appellant.

NO. 30,713

COURT OF APPEALS OF NEW MEXICO

March 1, 2011

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

**COUNSEL**

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

**JUDGES**

RODERICK T. KENNEDY, Judge. WE CONCUR: JONATHAN B. SUTIN, Judge,  
TIMOTHY L. GARCIA, Judge

**AUTHOR:** RODERICK T. KENNEDY

**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**