

This decision of the New Mexico Court of Appeals was not selected for publication in the New Mexico Appellate Reports. Refer to Rule 12-405 NMRA for restrictions on the citation of unpublished decisions. Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Court of Appeals.

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. A-1-CA-37762

STATE OF NEW MEXICO,

Plaintiff-Appellee,

v.

KATRINA LOZOYA-ARCHIE,

Defendant-Appellant.

**APPEAL FROM THE DISTRICT COURT OF OTERO COUNTY
James Waylon Counts, 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

VARGAS, Judge.

{1} Defendant appeals from her conviction and sentencing for three separate counts of child abuse. On appeal, Defendant argues that her right to be free from double jeopardy was violated, and she should have been subject to only one charge and one punishment for child abuse. This Court issued a notice of proposed disposition, proposing to agree with Defendant and reverse the district court. In response, the State has filed a notice of its intent not to file a memorandum in opposition to our notice of proposed disposition.

{2} Accordingly, we rely on the reasoning contained in our notice of proposed disposition, and reverse two of Defendant's child abuse convictions and remand with instructions to the district court to vacate those two convictions and re-sentence Defendant.

{3} IT IS SO ORDERED.

JULIE J. VARGAS, Judge

WE CONCUR:

LINDA M. VANZI, Judge

JACQUELINE R. MEDINA, Judge