

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

Court of Appeals of New Mexico
Filed 2/7/2023 11:26 AM

2 **STATE OF NEW MEXICO,**

3 Plaintiff-Appellee,

4 v.



Mark Reynolds

NO. A-1-CA-40367

5 **DANIELLE KELSO,**

6 Defendant-Appellant.

7 **APPEAL FROM THE DISTRICT COURT OF DOÑA ANA COUNTY**

8 **Conrad F. Perea, District Court Judge**

9 Raúl Torrez, Attorney General

10 Santa Fe, NM

11 Michael J. Thomas, Assistant Attorney General

12 Albuquerque, NM

13 for Appellee

14 Bennett J. Baur, Chief Public Defender

15 Kathleen T. Baldrige, Assistant Appellate Defender

16 Carrie Cochran, Assistant Appellate Defender

17 Santa Fe, NM

18 for Appellant

19 **MEMORANDUM OPINION**

20 **ATTREP, Chief Judge.**

21 {1} Defendant appeals her convictions for attempted first degree murder, false
22 imprisonment, battery on a household member, and assault on a household member.

23 [8-10-22 CN 1] In this Court's first notice of proposed disposition, we proposed to

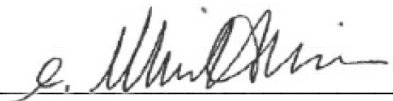
24 summarily affirm Defendant's convictions. [8-10-22 CN 1, 9] Defendant responded

1 by filing a memorandum in opposition and a motion to amend the docketing
2 statement, seeking to add the issue of whether Defendant's convictions for assault
3 on a household member and battery on a household member violate Defendant's
4 right to be free from double jeopardy. [MIO 7] This Court then filed a second notice
5 of proposed disposition, proposing to: (1) agree with Defendant that her double
6 jeopardy rights were violated in this case, and remand to the district court with
7 instructions to vacate Defendant's conviction for assault on a household member
8 [11-16-22 CN 1-6]; and (2) affirm on all other issues raised. [11-16-22 CN 6-11]
9 The State responded to this Court's second notice of proposed disposition, stating
10 that it does not oppose our proposed resolution in this case. [State Rsp. 1] Defendant
11 also responded, indicating that she would not be filing a memorandum in response
12 to our second notice of proposed disposition. [Def Rsp. 1] Accordingly, for the
13 reasons stated in our second notice of proposed disposition and herein, we reverse
14 and remand for proceedings to vacate Defendant's conviction for assault on a
15 household member and affirm Defendant's remaining convictions.

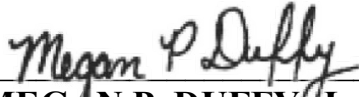
16 {2} **IT IS SO ORDERED.**

17 
18 JENNIFER L. ATTREP, Chief Judge

1 **WE CONCUR:**

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3 **J. MILES HANISEE, Judge**

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5 **MEGAN P. DUFFY, Judge**