

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

2 **DANETTE PHILLIPS,**

3 Petitioner-Appellee,

4 v.

No. A-1-CA-42040

5 **JASON W. PARKER,**

6 Respondent-Appellant.

7 **APPEAL FROM THE DISTRICT COURT OF CHAVES COUNTY**

8 **James M. Hudson, District Court Judge**

9 Law Offices of R. Matthew Bristol

10 Robert M. Bristol

11 Roswell, NM

12 for Appellee

13 Jason W. Parker

14 Roswell, NM

15 Pro Se Appellant

16 **MEMORANDUM OPINION**

17 **HENDERSON, Judge.**

18 {1} Respondent (Father) appeals from the district court's order modifying

19 custody. We issued a notice of proposed summary disposition proposing to affirm.

20 Respondent has responded with a timely memorandum in opposition, which we have

21 duly considered. We remain unpersuaded that our initial proposed disposition was

22 incorrect, and we therefore affirm the district court.

Court of Appeals of New Mexico

Filed 11/27/2024 7:59 AM



Ramon J. Maestas
Chief Clerk

1 {2} Respondent continues to assert that Mother and Child lied about him in the
2 proceedings below and the district court improperly did not require them to provide
3 proof of their false allegations. [unnumbered MIO 4-5, 6-7] As explained in the
4 notice of proposed summary disposition, however, claims that witnesses lied provide
5 no basis for reversal because “it is a matter for the trier of fact to weigh the evidence,
6 determine the credibility of witnesses, reconcile inconsistent statements, and decide
7 the true facts.” *Sanchez v. Molycorp, Inc.*, 1985-NMCA-067, ¶ 21, 103 N.M. 148,
8 703 P.2d 925. When the district court hears conflicting evidence, “we defer to its
9 determinations of ultimate fact, given that we lack opportunity to observe demeanor,
10 and we cannot weigh the credibility of live witnesses.” *Skeen v. Boyles*, 2009-
11 NMCA-080, ¶ 37, 146 N.M. 627, 213 P.3d 531; *see Hough v. Brooks*, 2017-NMCA-
12 050, ¶ 41, 399 P.3d 387 (“This Court will not reweigh evidence on appeal or
13 substitute our judgment for that of the district court.”). We therefore must reject
14 these assertions of error.

15 {3} To the extent Father asserts that the district court’s factual findings in support
16 of its order modifying custody were not supported by the evidence, we note that
17 Father has not provided this Court with a complete statement of the evidence
18 presented below, either in his docketing statement or his memorandum in opposition.
19 [unnumbered MIO 4-5] *See* Rule 12-208(D)(3) (stating that the docketing statement
20 shall contain a complete recitation of all facts material to a consideration of the issues

1 raised); *Loverin v. Debusk*, 1992-NMCA-023, ¶ 3, 114 N.M. 1, 833 P.2d 1182 (“In
2 this [C]ourt’s calendaring system, it is important to have all the facts, including those
3 that support what the trial court did.”). We therefore cannot entertain any challenge
4 to the sufficiency of the evidence on appeal. *See Crutchfield v. N.M. Dept. of Tax’n*
5 *and Revenue*, 2005-NMCA-022, ¶ 17, 137 N.M. 26, 106 P.3d 1273 (recognizing that
6 where an appellant fails to include the substance of all evidence bearing on a
7 proposition, this Court will not consider a challenge to the sufficiency of the
8 evidence).

9 {4} Father also continues to argue that Mother and her family have made false
10 allegations about him to various governmental agencies in an attempt to weaponize
11 those agencies against him. [unnumbered MIO 5-6] Father additionally contends that
12 the various governmental agencies are aware of Mother’s conduct, but have failed
13 to take any action. [unnumbered MIO 5-6] Father also reasserts a litany of criminal
14 offenses and civil rights violations that he claims he was subjected to as a result of
15 false allegations made against him by Mother and Child and the failure of law
16 enforcement and the district court to act. [unnumbered MIO 8-12] These
17 contentions, however, provide no basis for reversal of the district court’s custody
18 order. The sole issue before the district court was whether the then-existing custody
19 arrangement was in Child’s best interests. *See Schuermann v. Schuermann*, 1980-
20 NMSC-027, ¶ 4, 94 N.M. 81, 607 P.2d 619 (“[T]he controlling inquiry of the

1 [district] court in settling any custody dispute is the best interests of the child.”); *see*
2 *also Hough v. Brooks*, 2017-NMCA-050, ¶ 28, 399 P.3d 387 (“The guiding principle
3 in child custody determinations is the best interests of the child.”). Whether Father
4 had been wronged by various governmental entities or others was not an issue being
5 decided by the district court. Such issues are therefore not before us in this appeal.
6 *See In re Adoption of Doe*, 1976-NMCA-084, ¶ 4, 89 N.M. 606, 555 P.2d 906
7 (recognizing that matters that were not ruled on by the trial court are not before this
8 Court on appeal).

9 {5} For these reasons and those set out in our notice of proposed summary
10 disposition, we affirm the district court.

11 {6} **IT IS SO ORDERED.**



SHAMMARA H. HENDERSON, Judge

12 **WE CONCUR:**

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14 _____
JENNIFER L. ATTREP, Chief Judge

15 
16 _____
GERALD E. BACA, Judge