

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

2 **MILBE ROSE NEGRO,**

3 Petitioner-Appellee,

4 v.

5 **CHRISTOPHER NEGRO,**

6 Respondent-Appellant.

Court of Appeals of New Mexico
Filed 4/9/2026 11:53 AM



Mark Reynolds

No. A-1-CA-43146

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

8 **Robert Lara, District Court Judge**

9 Yvonne K. Quintana Attorney at Law

10 Yvonne K. Quintana

11 Española, NM

12 for Appellee

13 Christopher Negro

14 Las Cruces, NM

15 Pro Se Appellant

16 **MEMORANDUM OPINION**

17 **MEDINA, Chief Judge.**

18 {1} Respondent appeals from an order of protection entered against him pursuant

19 to the Family Violence Protection Act (FVPA), NMSA 1978, §§ 40-13-1 to -13

20 (1987, as amended through 2019). We issued a notice of proposed summary

21 disposition proposing to affirm, and Respondent has responded with a memorandum

22 in opposition, which we have duly considered. We remain unpersuaded that our

1 initial proposed disposition was incorrect, and we therefore affirm. Additionally,
2 Respondent’s motion to supplement the record, filed March 23, 2026, is hereby
3 **DENIED.**

4 {2} Respondent initially raised issues challenging the sufficiency of the evidence
5 to support issuance of the protective order and questioning the credibility of certain
6 witnesses in his docketing statement. [DS PDF 4-5] In his memorandum in
7 opposition, Respondent abandons these issues, and we therefore do not consider
8 them any further. *See Taylor v. Van Winkle’s IGA Farmer’s Mkt.*, 1996-NMCA-111,
9 ¶ 5, 122 N.M. 486, 927 P.2d 41 (recognizing that issues raised in a docketing
10 statement, but not contested in a memorandum in opposition are abandoned).

11 {3} Respondent continues to argue that the district court erred in excluding certain
12 exhibits, which he contends were relevant to proving bias and motive on the part of
13 Petitioner and her witnesses, and provided relevant contextual information. [MIO 3]
14 Specifically, Respondent argues that the district court erred by applying a categorical
15 limitation on the evidence as “custody[]related” and refusing to consider the
16 evidence on that basis. Respondent argues that “[r]ather than assessing each exhibit
17 for its relevance and admissible purpose, the [district c]ourt treated an entire
18 category of evidence as outside the scope of consideration.” [MIO 2] Respondent
19 contends that was error and requires remand for a new hearing. [MIO 4]

1 {4} We first reject Respondent’s assertion that this issue is reviewed de novo.
2 [MIO 1] Rather, “[t]he decision to exclude evidence rests within the discretion of
3 the district court, and the court’s determination will not be disturbed on appeal in the
4 absence of a clear abuse of that discretion.” *Progressive Cas. Ins. Co. v. Vigil*, 2018-
5 NMSC-014, ¶ 13, 413 P.3d 850 (internal quotation marks and citation omitted). “An
6 abuse of discretion occurs when the ruling is clearly against the logic and effects of
7 the facts and circumstances of the case, is clearly untenable, or is not justified by
8 reason.” *Id.* (internal quotation marks and citation omitted).

9 {5} Respondent has failed to establish an abuse of discretion in this case. In his
10 docketing statement, Respondent described the excluded evidence as: (1)
11 Petitioner’s “retaliatory history” and “admission to hiding marital funds exceeding
12 \$110,000,” (2) evidence that Petitioner violated judges’ orders regarding asset
13 preservation and visitation, (3) video evidence that Petitioner threatened and hit the
14 parties’ child, (4) “[three] separate attempts by Petitioner to alter photographs to
15 portray Respondent as an abusive father so she could gain primary custody and avoid
16 paying child support,” and (5) messages between Petitioner and two people
17 “showing romantic and relational involvement, making these [two] witnesses not
18 credible and having bias to help [P]etitioner out legally to prove themselves to her.”

19 [DS PDF 4]


1 {6} We see no abuse of discretion in the hearing officer’s exclusion of these
2 exhibits. The fact that the parties were involved in a contentious divorce and child
3 custody proceedings was before the hearing officer, and exhibits tending to show
4 that circumstance would appear cumulative. *See generally State v. Marquez*, 1998-
5 NMCA-010, ¶ 24, 124 N.M. 409, 951 P.2d 1070 (“[T]he trial court in its discretion
6 may properly exclude cumulative evidence.”). And even assuming evidence relating
7 to Petitioner’s actions with respect to marital assets in the separate divorce case was
8 relevant, the district court always has discretion to exclude otherwise relevant
9 evidence where its presentation results in a waste of time or the needless presentation
10 of cumulative evidence. *See* Rule 11-403 NMRA; *see also Williams v. BNSF Ry.*
11 *Co.*, 2015-NMCA-109, ¶ 25, 359 P.3d 158 (recognizing the district court’s broad
12 discretion in excluding evidence under Rule 11-403). Additionally, as noted in the
13 notice of proposed summary disposition, the record reflects that Respondent was
14 afforded the opportunity to cross-examine Petitioner and her witnesses regarding
15 their motives and potential biases, and Respondent was able to put forward his
16 theories in that regard to the hearing officer. Under these circumstances, we are of
17 the opinion that the record is insufficient to establish that error in the exclusion of
18 Respondent’s proffered exhibits, if any, resulted in prejudice. *See Deaton v.*
19 *Gutierrez*, 2004-NMCA-043, ¶ 31, 135 N.M. 423, 89 P.3d 672 (providing that in the
20 absence of prejudice, there is no reversible error).

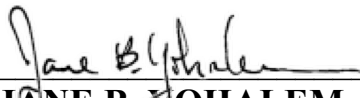
1 {7} For these reasons, we affirm.

2 {8} **IT IS SO ORDERED.**

3 
4 JACQUELINE R. MEDINA, Chief Judge

5 **WE CONCUR:**

6 
7 J. MILES HANISEE, Judge

8 
9 JANE B. YOHALEM, Judge