

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

Court of Appeals of New Mexico
Filed 9/24/2026 7:28 AM

CHARLIE REYES,

Petitioner-Appellant,

v.

No. A-1-CA-43378

**STATE OF NEW MEXICO
TAXATION AND REVENUE
DEPARTMENT, MOTOR
VEHICLE DIVISION,**

Respondent-Appellee.

**APPEAL FROM THE DISTRICT COURT OF LINCOLN COUNTY
John P. Sugg, District Court Judge**

Charles E. Reyes
Ruidoso, NM

Pro Se Appellant

NM Taxation and Revenue Department
Charles J. Gaspadarek
Santa Fe, NM

for Appellee

MEMORANDUM OPINION

HENDERSON, Judge.

{1} Petitioner Charlie Reyes, a self-represented litigant, challenges the district
court's denial of his petition for restoration of his driver's license, pursuant to NMSA
1978, Section 66-5-5(D) (2017). In addition to the order denying his petition for
restoration, Petitioner appeals the district court's order denying his motion to

1 reconsider and clarify orders, and its order striking Petitioner's exhibits. We issued
2 a notice proposing to summarily affirm. Petitioner has filed a memorandum in
3 opposition to our proposed analysis, which we have duly considered. We remain
4 unpersuaded and affirm for the following reasons.

5 {2} On appeal, Petitioner contends that the district court erred by (1) striking his
6 data log exhibits post-appeal, (2) requiring expert testimony to explain his data log
7 exhibits, and (3) asserting a lack of jurisdiction while simultaneously striking the
8 exhibits. [MIO 2-3] Our notice proposed to hold that because Petitioner did not
9 demonstrate that the district court erred by striking his exhibits, we would not
10 address any matters that presume the exhibits were admitted as evidence. [CN 1] We
11 further explained that although the district court claimed that it lacked jurisdiction
12 to rule on Petitioner's motion to clarify, the district court essentially ruled on
13 Petitioner's motion to clarify when it entered the order striking Petitioner's exhibits.
14 Thus, we proposed to conclude that there was no need to address the district court's
15 perceived lack of jurisdiction. Petitioner's memorandum in opposition to our notice
16 does not provide reason to believe that we must address the district court's perceived
17 lack of jurisdiction under these circumstances. Accordingly, we limit our discussion
18 to Petitioner's other claims.

19 {3} In Petitioner's docketing statement, he asserted that the district court erred by
20 striking his exhibits, but Petitioner did not provide reasons why the district court

1 struck the exhibits, did not suggest any reason why it was error to do so, and did not
2 refer us to any legal authority that would support his assertion of error. Our review
3 of the record showed that the district court gave Petitioner multiple opportunities
4 and reminders of how to properly file the exhibits. The district court stayed the
5 proceedings so Petitioner could obtain the necessary paperwork, granted two
6 continuances so Petitioner could properly submit the exhibits and get the necessary
7 witnesses, allowed Petitioner a second part to a hearing to get witnesses even though
8 he had not properly submitted exhibits, and offered Petitioner an opportunity to
9 dismiss his petition without prejudice so he could properly present his evidence. [CN
10 5-6; 1 RP 38, 45, 57-58, 64, 68; 2 RP 235] The district court even warned Petitioner
11 of the consequences if he did not comply with instructions on when and how to
12 properly file the exhibits. The district court told Petitioner that if he did not bring in
13 exhibits that matched the record, the exhibits would be stricken from the record and
14 warned Petitioner that he needed to properly submit the exhibits so he could pursue
15 an appeal on merits of the exhibits, if he chose to appeal. [1 RP 71; 2 RP 250]
16 Petitioner told the district court that he was not going to send in the exhibits and
17 would not appeal. [1 RP 72] Petitioner apparently changed his mind and brought in
18 exhibits, instead of mailing them, without properly numbering them. The district
19 court found that the exhibits Petitioner brought to court did not match the exhibits
20 that he previously and improperly brought to the district court for consideration. [2

1 RP 250] The district court struck the exhibits from the record and noted that the
2 improperly submitted, unmatching exhibits would make the record impossible to
3 decipher. [2 RP 248-50] Based on this showing in the record, our notice proposed to
4 conclude that the result in this case appeared highly foreseeable and forewarned, and
5 Petitioner did not provide any reason or otherwise persuade us that the district
6 court’s decision to strike the exhibits was an abuse of discretion. [CN 4-6]

7 {4} In response to our proposed analysis, Petitioner’s memorandum in opposition
8 simply asserts that the district court incorrectly determined that the exhibits were
9 impossible to decipher and asks this Court to look past his technical violations. [MIO
10 2] This plea does not demonstrate that the district court abused its discretion by
11 ruling that the mismatched exhibits confused the record, Petitioner did not comply
12 with instructions, and by following through with its repeated warnings to Petitioner
13 after providing Petitioner with multiple opportunities to comply. *See Benz v. Town*
14 *Ctr. Land, LLC*, 2013-NMCA-111, ¶ 11, 314 P.3d 688 (“An abuse of discretion
15 occurs when a ruling is clearly contrary to the logical conclusions demanded by the
16 facts and circumstances of the case.” (internal quotation marks and citation
17 omitted)). Nor does Petitioner’s response to our notice demonstrate error in our
18 proposed analysis. *See State v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421,
19 759 P.2d 1003 (“A party responding to a summary calendar notice must come
20 forward and specifically point out errors of law and fact,” and the repetition of earlier

arguments does not fulfill this requirement.), *superseded by statute on other grounds* as stated in *State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d 374.

{5} Because we hold that Petitioner has not demonstrated an abuse of discretion in striking his exhibits, we do not address Petitioner’s arguments as to the fairness and propriety of the district court’s statements about the need for expert testimony to explain the data contained in the exhibits. [MIO 2-3] As we suggested in our notice, without the exhibits, the record does not contain evidence to show good cause to support the petition for reinstatement of Petitioner’s driver’s license. See *DeMichele v. N.M. Tax’n & Revenue Dep’t*, 2015-NMCA-095, ¶ 19, 356 P.3d 523 (explaining what needs to be shown by statute in addition to a showing that the petitioner “no longer presents a threat to public safety if given an unrestricted license”); see also *id.* ¶ 21 (detailing the evidence that established good cause).

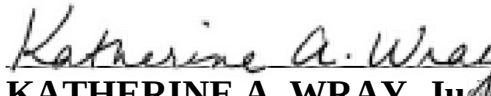
{6} Based on the foregoing discussion and the reasons set forth in our notice, we affirm the district court’s denial of Petitioner’s motion for reinstatement and order striking the evidence.

{7} **IT IS SO ORDERED.**


SHAMMARA H. HENDERSON, Judge

1 **WE CONCUR:**

2 
3 **GERALD E. BACA, Judge**

4 
5 **KATHERINE A. WRAY, Judge**