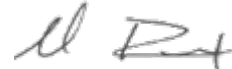


IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

STATE OF NEW MEXICO,

Court of Appeals of New Mexico
Filed 10/13/2026 10:58 AM

Plaintiff-Appellee,


Mark Reynolds

v.

No. A-1-CA-42749

CHRISTIAN ANTONIO BOLING,

Defendant-Appellant.

**APPEAL FROM THE METROPOLITAN COURT OF BERNALILLO
COUNTY**

Christine E. Rodriguez, Metropolitan Court Judge

Raúl Torrez, Attorney General
Santa Fe, NM

for Appellee

Bennett J. Baur, Chief Public Defender
MJ Edge, Associate Appellate Defender
Santa Fe, NM

for Appellant

MEMORANDUM OPINION

HANISEE, Judge.

{1} This matter was submitted to the Court on the brief in chief in the above-entitled cause, pursuant to this Court's notice of assignment to the general calendar with modified briefing. Having considered the brief in chief, concluding the briefing submitted to the Court provides no possibility for reversal, and determining that this case is appropriate for resolution on Track 1 as defined in the Administrative Order

1 in *In re Pilot Project for Criminal Appeals*, No. 2022-002, we affirm for the
2 following reasons.

3 {2} Defendant appeals his conviction, after a jury trial, of misdemeanor
4 harassment. [BIC 1] Defendant asserts that the metropolitan court erred in admitting
5 screenshots of text messages from Defendant to Victim through testimony of
6 Witness, without having Victim available for cross-examination, in violation of
7 Defendant’s Sixth Amendment right to confrontation. [BIC 1, 4] *See* U.S. Const.
8 amend. VI. “Claimed violations of the Sixth Amendment right to confrontation are
9 reviewed de novo.” *State v. Tollardo*, 2012-NMSC-008, ¶ 15, 275 P.3d 110. The
10 Confrontation Clause bars “admission of testimonial statements of a witness who
11 did not appear at trial unless [the witness] was unavailable to testify, and the
12 defendant had . . . a prior opportunity for cross-examination.” *Crawford v*
13 *Washington*, 541 US 36, 53-54 (2004). This bar applies to out-of-court statements
14 that are both testimonial and hearsay, meaning they are offered to prove the truth of
15 the matter asserted. *See State v. Romanis-Beltran*, 2026-NMCA-024, ¶ 14, 585 P.3d
16 498, *cert. denied sub nom. State v. Beltran*, 2026-NMCERT-001 (S-1-SC-41137).

17 {3} We note the following facts relevant to this appeal. Victim received calls and
18 texts on her cellphone from Defendant, with whom she had a previous dating
19 relationship. [BIC 1] The contact information in Victim’s phone identified
20 Defendant as the sender. [BIC 1] Victim lived with Witness, who was Victim’s

1 mother. [BIC 1] Victim showed the texts to Witness, and Witness confirmed that the
2 contact information for Defendant in Victim's phone matched Defendant's contact
3 information in Witness's own phone. [BIC 1] Witness called 911. [BIC 2] The 911
4 dispatcher told Witness not to delete the texts, and Witness relayed this information
5 to Victim. [BIC 2] On Witness's request, Victim took screenshots of the messages
6 and texted them to Witness. [BIC 2] The screenshots included a message from
7 Defendant stating that a restraining order would not stop him. [BIC 4] Witness
8 uploaded the screenshots to an internet link that law enforcement provided to
9 Witness. [BIC 2]

10 {4} Defendant was charged with harassment. [RP 1] *See* NMSA 1978, § 30-3A-2
11 (1997). The metropolitan court suppressed the testimony of Victim because she was
12 not made available for pretrial interviews. [CD ssnliq17 3:52-4:25] As a result,
13 Victim was not available to testify at trial. [BIC 3] Defendant filed a motion in limine
14 objecting to admission of the screenshots. [BIC 2-3] The metropolitan court ruled
15 that the screenshots would be admissible with a proper foundation. [BIC 3]

16 {5} At trial, Witness testified that she remembered the contents of all the
17 messages, which numbered between eighty and 120. [BIC 3] Defendant impeached
18 Witness with Witness's previous statement that she would have to consult Victim's
19 phone to refresh her memory of a message's content. [BIC 3] The metropolitan court
20 ruled that a proper foundation was laid because Witness testified she saw the

1 messages on Victim's phone, compared Defendant's contact information on
2 Victim's phone and her own phone, and received the screenshots of those messages
3 from Victim. [BIC 3] Over Defendant's objection, the screenshots were admitted.
4 [BIC 4] The jury returned a verdict of guilty of harassment. [BIC 4]

5 {6} Defendant does not argue that the messages contained in the screenshots,
6 themselves, implicate the Confrontation Clause. *See State v. Hernandez*, 2009-
7 NMCA-096, ¶ 7, 147 N.M. 1, 216 P.3d 251 (recognizing that a defendant's own
8 admissions generally do not present Confrontation Clause concerns, though they
9 must be authenticated and admitted through a proper vehicle); *State v. Castillo-*
10 *Sanchez*, 1999-NMCA-085, ¶ 23, 127 N.M. 540, 984 P.2d 787 (recognizing that a
11 defendant's own admissions cannot "violate [their] right to confront the witnesses
12 against [them]"). Nor does Defendant challenge the metropolitan court's decision
13 that an adequate foundation was laid for admission of the screenshots. *See* Rule 11-
14 901(A) NMRA ("To satisfy the requirement of authenticating or identifying an item
15 of evidence, the proponent must produce evidence sufficient to support a finding that
16 the item is what the proponent claims it is."); *State v. Jesenya O.*, 2022-NMSC-014,
17 ¶ 18, 514 P.3d 445 ("Today we clarify that, in New Mexico, the authentication of
18 social media evidence is governed by the traditional authentication standard set out
19 in Rule 11-901."); *see also* Rule 11-1003 NMRA ("A duplicate is admissible to the
20 same extent as the original unless a genuine question is raised about the original's

1 authenticity or the circumstances make it unfair to admit the duplicate.”). Rather,
2 Defendant argues that Victim’s creation of the screenshots was testimonial because
3 it was done in anticipation of litigation, and because the screenshots included
4 timestamps and caller identification information. [BIC 5-8]

5 {7} Defendant does not explain, however, how the nonverbal act of duplicating a
6 text message by making a screenshot constitutes a hearsay statement that is subject
7 to the Confrontation Clause. *See State v. Stampley*, 1999-NMSC-027, ¶ 41, 127
8 N.M. 426, 982 P.2d 477 (“Nonverbal conduct is generally not hearsay.”); *State v.*
9 *Henderson*, 1983-NMCA-094, ¶ 10, 100 N.M. 260, 669 P.2d 736 (concluding that
10 photographs made by an ATM and showing the defendant wearing a hat that was
11 later found at the crime scene were not hearsay); *Romanis-Beltran*, 2026-NMCA-
12 024, ¶ 14 (stating that the Confrontation Clause applies only to hearsay statements);
13 *see also State v. Guerra*, 2012-NMSC-014, ¶ 21, 278 P.3d 1031 (noting that
14 appellate courts have no obligation to review unclear or undeveloped arguments).
15 Likewise, Defendant does not cite legal authority to support such an argument; *State*
16 *v. Vigil-Giron*, 2014-NMCA-069, ¶ 60, 327 P.3d 1129 (explaining that where a party
17 fails to cite any authority in support of an issue, we assume no such authority exists).
18 We therefore conclude that Victim’s creation of the screenshots—like photography
19 and other methods of duplication that generally do not give rise to Confrontation
20 Clause concerns—was not a statement implicating the right of confrontation. *See*

1 *State v. Smith*, 2016-NMSC-007, ¶ 44, 367 P.3d 420 (stating that autopsy photos of
2 a victim's wounds, though created for an evidentiary purpose, do not implicate the
3 Confrontation Clause because they are not statements).

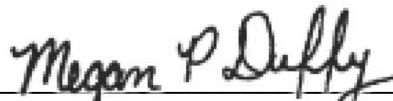
4 {8} For these reasons, we conclude that the metropolitan court's admission of
5 screenshots of Defendant's text messages did not violate the Confrontation Clause.

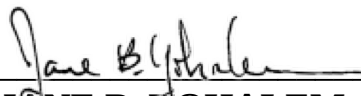
6 {9} Accordingly, we affirm.

7 {10} **IT IS SO ORDERED.**

8 
9 **J. MILES HANISEE, Judge**

10 **WE CONCUR:**

11 
12 **MEGAN P. DUFFY, Judge**

13 
14 **JANE B. YOHALEM, Judge**