

**STATE V. TELLES**

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**STATE OF NEW MEXICO,**  
Plaintiff-Appellee,  
v.  
**JOCLYN TELLES,**  
Defendant-Appellant,

NO. 30,936

COURT OF APPEALS OF NEW MEXICO

May 18, 2011

APPEAL FROM THE DISTRICT COURT OF DOÑA ANA COUNTY, Stephen Bridgforth,  
District Judge

**COUNSEL**

Gary K. King, Attorney General, Santa Fe, NM, for Appellee

Jacqueline Cooper, Acting Chief Public Defender, Adrienne R. Turner, Assistant  
Appellate Defender, Santa Fe, NM, for Appellant

**JUDGES**

MICHAEL E. VIGIL, Judge. WE CONCUR: JONATHAN B. SUTIN, Judge, RODERICK  
T. KENNEDY, Judge

**AUTHOR:** MICHAEL E. VIGIL

**MEMORANDUM OPINION**

**VIGIL, Judge.**

Defendant-Appellant Joclyn Telles (Defendant) appeals her conviction for battery on a police officer. We issued a notice of proposed summary disposition, proposing to uphold

the conviction. Defendant has filed a memorandum in opposition. After due consideration, we remain unpersuaded. We therefore affirm.

In her memorandum in opposition, Defendant continues to argue that the district court erred in excluding the testimony of an expert witness. [MIO 3-5] As we explained at greater length in the notice of proposed summary disposition, insofar as the witness was unable to render an opinion, [MIO 2] we fail to see how his testimony could either have been relevant or of assistance to the jury. *See generally State v. Downey*, 2008-NMSC-061, ¶ 30, 145 N.M. 232, 195 P.3d 1244 (observing that “expert testimony is inadmissible under Rule 11-702 unless it will assist the trier of fact,” and further noting that this requirement goes primarily to relevance). The memorandum in opposition contains no further argument or authority to persuade us otherwise. As a result, we conclude that the exclusion of his testimony was well within the district court’s discretion.

Defendant also renews her challenge to the exclusion of two potential witnesses as a discovery sanction. [MIO 5-6] As we previously stated, in light of Defendant’s failure to fulfill her responsibility to facilitate interviews despite numerous continuances, given the dim prospects of obtaining interviews in the future, and because the probative value of the witnesses’ testimony was speculative at best, the exclusion of their testimony appears to have been reasonable and appropriate. *See generally State v. Harper*, 2010-NMCA-055, ¶ 22, 148 N.M. 286, 235 P.3d 625 (observing that Rule 5-503 encompasses witness interviews, and characterizing the facilitation of such interviews as a responsibility), *cert. granted*, 2010-NMCERT-006, 148 N.M. 584, 241 P.3d 182; *cf. State v. Torres*, 1999-NMSC-010, ¶ 10, 127 N.M. 20, 976 P.2d 20 (listing various factors to be taken into consideration). Because the memorandum in opposition contains nothing substantive to alter our assessment, we conclude that the district court did not abuse its discretion.

Accordingly, for the reasons stated above and in our notice of proposed summary disposition, Defendant’s conviction is AFFIRMED.

**IT IS SO ORDERED.**

**MICHAEL E. VIGIL, Judge**

**WE CONCUR:**

**JONATHAN B. SUTIN, Judge**

**RODERICK T. KENNEDY, Judge**