Appendix

A. Opinion of the California Court of Appeal, Second Appellate District, Division Seven.

B. Order of the Supreme Court of California Denying Review



User Name: =

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Client/Matter: -None-

Search Terms: Antonio Infante

Search Type: NaturalAnd

Content Type	**Narrowed by**
cases	Sources: California

1. **Mendoza v. Infante, 2026 Cal. App. Unpub. LEXIS 3226**

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Mendoza v. Infante

Court of Appeal of California, Second Appellate District, Division Seven

May 12, 2026, Opinion Filed

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Reporter
2026 Cal. App. Unpub. LEXIS 3226 *; 2026 LX 210328; 2026 WL 1298110

JENNIFER MENDOZA, Plaintiff and Respondent, v. ***ANTONIO*** URENA ***INFANTE***, Defendant and Appellant.

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Prior History: **[*1]** APPEAL from an order of the Superior Court of Los Angeles County, No. 23STRO06806, Melissa Lyons, Judge.

Disposition: Affirmed.

Core Terms

trial court, temporary, domestic violence, credible, restraining order, kill, neck, violent, hit, bodily injury, permanent, floor, grab, domestic abuse, photograph, strangle, harass, chest

Counsel: ***Antonio*** U. ***Infante***, pro per, for Defendant and Appellant.

Jennifer M. Mendoza, pro per, for Plaintiff and Respondent.

Judges: MARTINEZ, P. J.; SEGAL, J., STONE, J. concurred.

Opinion by: MARTINEZ, P. J.

Opinion

INTRODUCTION

Antonio Infante appeals from a three-year domestic violence restraining order (DVRO) issued in favor of his wife, Jennifer Mendoza. ***Infante*** argues he was prejudiced by the trial court's three continuances of the hearing for a permanent order, and he also contends substantial evidence does not support the finding he committed domestic violence against Mendoza. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

A. *Mendoza's Request and Temporary DVRO*

Mendoza and ***Infante*** married in 2014 and have a minor son, born December 2019. In October 2023, Mendoza filed a request for a DVRO, seeking protection for herself, their three-year-old son, her 77-year-old father Gilbert, and her adult sister Michelle. Mendoza alleged ***Infante*** physically and emotionally abused her in front of their son and threatened to kill and shoot her father. She attached an affidavit of abuse and supporting declaration, detailing **[*2]** specific incidents in June 2023 and September 2023.

Specifically, Mendoza attested that on or around September 19, 2023, ***Infante*** became enraged after Mendoza's father had the police make a welfare check at their residence. She stated ***Infante*** "put his hands around [her] neck and pushed [her] down onto the bed," then "used his two hands and strength to throw me across the room into the wall." Mendoza stated ***Infante*** said he would kill her and her dad if she tried to get a divorce or tried to go to her family. Mendoza stated ***Infante*** continued to "rage" and threaten to kill her over the next several days, until finally she "was able to

physically get away from him on Oct[ober] 7th."

Mendoza declared that a previous incident of physical violence occurred on June 8, 2023, in which ***Infante*** "grabbed [her] by the hair and pulled [her] to the ground" during an argument, "got on top of [her] and hit [her] upper chest area . . . and tried to strangle and choke [her]," in front of their son. Mendoza stated that after this incident, "[her] scalp hurt for a week"; she "limped for a week" and was in pain for a month because her "knee had hit the ground hard"; and "[her] neck hurt for a week." Mendoza **[*3]** attached photographs of bruising around her upper chest and neck area attributed to the June incident.

Mendoza added that ***Infante*** had become "increasingly more verbally and emotionally abusive from 2021" on, including by "constantly" calling her "'stupid'" or an "'idiot,'" saying her family could not see her son, and telling Mendoza, "'Your opinion doesn't mean shit here!'" and that she could not do anything right. Mendoza declared she was "terrified" of ***Infante***, believed he "may have access to a hand gun," and believed he would continue to abuse her and would try to kill her father without a restraining order in place.

The trial court ordered a temporary DVRO against ***Infante***. The temporary DVRO protected Mendoza, their son, and Mendoza's father but did not include her sister. The order granted Mendoza control of the family mobile home, required ***Infante*** to move out, and restricted ***Infante*** from harassing, contacting, or coming within 100 yards of the protected individuals. The temporary DVRO also included a child custody and visitation order granting sole legal and physical custody to Mendoza, with no visitation by ***Infante*** until further order of the court. The trial court set a hearing **[*4]** on a permanent DVRO for November 3, 2023.

On October 27, 2023, the trial court amended the temporary DVRO to deny the move-out order and permit ***Infante*** to return to the mobile home, at ***Infante***'s request.

B. *Continuances and **Infante**'s Response*

On October 31, ***Infante***, through counsel, requested a continuance of the permanent DVRO hearing, as his first "request to reschedule the court date." (See *Fam. Code, § 245, subd. (a)* [respondent entitled to first continuance "as a matter of course"].) Mendoza filed for divorce on November 1. On November 3, the trial court ordered the cases related, and counsel for both parties agreed to waive time for a continuance. The trial court continued the DVRO hearing to January 23, 2024, "[p]ursuant to the Court's own motion," with the temporary DVRO to remain in full force and effect.

On January 23, 2024, ***Infante***, through different counsel, requested a second continuance, with counsel explaining that yet another new counsel was substituting in. The trial court granted ***Infante***'s request and continued the hearing to March 18, with the temporary DVRO to remain in full force and effect.

On March 15, 2024, ***Infante***, through new counsel, filed a response opposing Mendoza's request for a DVRO **[*5]** and seeking sole legal and physical custody. ***Infante*** denied that he had caused harm to Mendoza or that he was a threat to Mendoza, their son, or Mendoza's father. In his supporting declaration, ***Infante*** stated Mendoza's allegations were false and that she had a history of drug abuse and mental health challenges. ***Infante*** declared he "did not threaten her or keep her by force," he was not a "violent person," he did not verbally abuse Mendoza or make "statements against her father," and there was no incident of any kind on June 8, 2023.

On March 18, ***Infante***, through his counsel, requested a third continuance because his new counsel was only recently retained. The trial court granted the continuance and continued the hearing to June 3, 2024, with the temporary DVRO to remain in full force and effect.

C. *The Hearing and Issuance of the Permanent DVRO*

On June 3, 2024, the trial court held the DVRO hearing and conducted a one-day trial. ***Infante***'s counsel substituted out before the hearing, and ***Infante*** proceeded in propria persona. Mendoza and ***Infante*** each testified, and ***Infante*** called two additional witnesses, his sister Marbella Salas and his mother Graciela Villagomez.

Mendoza testified that **[*6]** on June 8, 2023, ***Infante*** grabbed her by the hair during an argument and pulled her to the floor. She hit the floor with her right knee when he pulled her down, "and it felt like it exploded." ***Infante*** proceeded to straddle Mendoza and hit her repeatedly on the upper chest with his palms, "over and over, very, very hard," then "choke[d her] until [she] started coughing, or, like, trying to get breath." Their three-year-old son was in the room, and he "c[a]me down next to [her] and was crying and was saying, 'Mom, Mom.'" ***Infante*** finally stopped and left her on the floor.

Mendoza stated she did not call the police because it was the first time ***Infante*** had been physically violent with her, and she "was hoping it would be the last time." One or two days later, Mendoza took photographs of bruising on both sides of her upper chest, her neck area, and her right knee and thigh. Mendoza testified her knee "hurt for a month afterwards" and she "was limping for almost a week."

At the time, the family lived in a mobile home "off the grid" in the Antelope Valley desert, on a remote parcel of land owned by Mendoza's uncle. Before June 2023, Mendoza experienced "verbal abuse" from ***Infante*** throughout **[*7]** their marriage, but not physical abuse. The verbal abuse got "really bad" after they moved off-grid and were more isolated.

Later in June, Mendoza and her son went to stay with ***Infante***'s mother and sister in San Mateo, where they remained for three months. Mendoza returned to the Antelope Valley by herself in September 2023, after ***Infante*** promised her "there would be no more physical violence."

Mendoza testified that on September 27, 2023, officers came to the property after her father became concerned he had not heard from her and asked the Antelope Valley sheriff's station to do a welfare check. Mendoza explained that in her initial request for DVRO, she mistakenly wrote September 19 because she did not remember the exact date. ***Infante*** became enraged and started screaming "at the top of his lungs" after the officers left, telling Mendoza "that [her] father is going to die, and that [she] can never see [her] father again, or my family; and that [their] son can never see them again."

When Mendoza tried to calm him down, ***Infante*** "lunged at [her] with two hands," grabbed her neck and pushed her by the neck onto the bed, and "strangled [her] a little bit." ***Infante*** stated he was going to **[*8]** go call her father and sister from a payphone and "tell [them] off" for conspiring against him. He then grabbed her arm with two hands and tossed her by the arm against the wall "with all his strength." Mendoza "flew towards the wall and hit the wall," then "kind of slid down to the floor and cried." Mendoza testified that "the whole time, he was just saying horrible things about [her] family," including that "he was going to kill [her] dad and [her]" if she wanted to get a divorce. The next day, Mendoza took a photograph of bruising on her right arm where ***Infante*** had grabbed it. Mendoza testified ***Infante*** owned a gun, and on and after the September 27 incident, he repeatedly said he was going to "shoot" or "kill" her and her father.

On October 6, Mendoza told ***Infante*** she needed to leave for a job at Amazon and would send him money, and he let her leave. Mendoza drove to ***Infante***'s mother's house in San Mateo and picked up their son, and on October 11, filed her request for a DVRO. Mendoza was staying at her parents' house at the time, but listed her address as confidential because she was frightened of ***Infante*** for herself and her father.

After Mendoza filed the DVRO request and received **[*9]** the temporary DVRO, police showed up four different times at her location to do "wellness checks" on her and her son, at ***Infante***'s request, and ***Infante*** also called the Department of Children and Family Services (DCFS) on her. The DCFS investigator told Mendoza a tracker may have been put on her car that revealed her location to ***Infante***, and told her to go to the police. Mendoza already suspected she was being tracked by ***Infante*** after ***Infante*** chose an attorney located in the same building in Pasadena as her first attorney. Mendoza subsequently went to the police station in San Fernando, where they discovered a wireless tracker in the baby seat of Mendoza's car. Police traced the wireless tracker to ***Infante***'s sister, Marbella Salas, who admitted she had placed it in the car seat because she "wanted to track the baby."

The trial court admitted Mendoza's photographs, the welfare check record from the sheriff's office, and Mendoza's DVRO request into evidence.

On cross-examination by ***Infante***, Mendoza admitted she had been arrested for opioid possession in 2018, she and ***Infante*** had a prior child welfare case against them after she tested positive for methamphetamine when their son was born, **[*10]** and she had a mental health hospitalization when she was six months pregnant. On redirect, Mendoza testified she had been addicted to opioids from 2016 to 2018, but stopped after she became pregnant. She further testified she never tested positive during their child welfare case, and their son was never removed from her care.

Infante testified that "[he] was working a labor job" on June 8 and that he believed Mendoza was not even at their mobile home that day. As for the September incident, ***Infante*** testified that when the sheriff's deputies came to the property, he "was very upset" because he did not know why they were there and thought he might end up with "legal problems." ***Infante*** said he overheard the deputies telling Mendoza, "'Gilbert [Mendoza's father] tells us very bad things

happen here,'" and after they left, ***Infante*** told Mendoza he was going to go talk with her dad. ***Infante*** testified Mendoza "started to run up against the walls and hit herself" when he insisted he was going to confront her father. ***Infante*** said her claim that he threw her across the room "violated the laws of physics" because he was 5'5" and she was "six feet tall, and she outweighs [him]."

Infante admitted **[*11]** he repeatedly called the police and DCFS after he was served with the temporary DVRO because he learned of Mendoza's "severe mental health issues" and was "panicking" about her and their son's welfare. He stated Mendoza lied about a variety of things in her "paperwork" and testimony, including where she lived, that he threatened to kill her, and that he had a "violent history." ***Infante*** stated Mendoza called him from a blocked number in November 2023, and told him her father was a "'multimillionaire'" and she was "'going to do whatever [she has] to do to destroy [him].'" ***Infante*** stated that because of all Mendoza's lies, he felt "the domestic violence laws were abused to bully [him]," and he wanted the court to know "there was no domestic violence, and that [he felt] that this is an attempt to put [him] in a financial strangle hold, bend the law, and steal [his] child."

On cross-examination, Mendoza's counsel questioned ***Infante*** regarding his testimony that there was a seven-inch height difference between him and Mendoza, and the trial court made a finding that "the parties are probably about three, maybe four-inch height difference, with Ms. Mendoza being a little bit taller than Mr. **[*12]** ***Infante***." ***Infante*** admitted he had a felony conviction "[t]hirty years ago" for "[m]arijuana."

Infante's mother, Villagomez, testified that Mendoza and her son lived with her in San Mateo from March 2023 to October 8, 2023, with Mendoza staying "maybe for two weeks" at a time then returning to Southern California to visit ***Infante***. She stated Mendoza never said she was leaving ***Infante*** because of domestic violence. She further testified Mendoza would sometimes "fall ill, and she'd be very drowsy and would go to bed," while watching her son. She stated Mendoza on two occasions stole property from her house that belonged to ***Infante***, including expensive tennis shoes, three computers, a watch, and clothing.

Infante's sister, Salas, testified the couple's son had lived in San Mateo since he was 18 months old, with Mendoza also living there "on and off." Salas stated she had never seen any signs of domestic violence or heard Mendoza say ***Infante*** was beating her. She heard Mendoza say that her dad "had a lot of money, and he would use all his money to take [her son] away from us."

At the close of testimony, the trial court issued a permanent three-year DVRO against ***Infante***, protecting Mendoza, their **[*13]** son, and Mendoza's father. The court found Mendoza met her burden to show by a preponderance of the evidence that ***Infante*** had engaged in abuse within the meaning of the relevant sections of the Family Code. The court found ***Infante*** "engaged in abuse, specifically, by striking and strangling [Mendoza]." The court found "[Mendoza]'s testimony to be credible" and "[did] not find [***Infante***]'s testimony to be credible." The court found the large bruises on Mendoza's chest shown in her photographs were "consistent with someone hitting you repeatedly or hard with the palm or heel of their hands," and the red mark visible on her neck was "consistent with having been grabbed around the neck."

The trial court also did not find credible ***Infante***'s "testimony regarding his conduct of repeatedly contacting law enforcement and DCFS after having been served with the restraining order." The court found that after his initial call, "the subsequent calls serve[d] no legitimate purpose" and "instead were done as a method of harassment [] of Ms. Mendoza in violation of the restraining order." The court further did not find credible Salas's testimony that Mendoza said her father had lots of money and would **[*14]** take her son away from them, and did not give much weight to Villagomez's testimony of where Mendoza was living, which was not necessarily inconsistent with Mendoza's testimony.

Infante timely appealed.[1]

DISCUSSION

A. *Governing Law and Standard of Review*

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[1] In his designation of record on appeal, ***Infante*** indicated he wanted to proceed by settled statement because the oral proceedings in the superior court were not reported by a court reporter. However, the DVRO hearing on June 3, 2024, was reported, and a transcript was provided on appeal. Although the parties initiated a settled statement process in the trial court, a final certified settled statement does not appear in the record, and the parties both cite exclusively to the June 3 reporter's transcript, not to any proposed or amended settled statement. Because the reporter's transcript is available and is relied on by both parties, we rely on it as well as the official record of those proceedings.

Under the Domestic Violence Prevention Act (Fam. Code, § 6200 et seq.) (DVPA), a court may issue a protective order """to restrain any person for the purpose of preventing a recurrence of domestic violence and ensuring a period of separation of the persons involved" upon "reasonable proof of a past act or acts of abuse."'" (In re Marriage of Davila & Mejia (2018) 29 Cal.App.5th 220, 225, 239 Cal. Rptr. 3d 805; see Fam. Code, § 6300.)[2] A temporary DVRO may be issued on an ex parte basis without notice (§ 6320, subd. (a)), but a permanent restraining order may be issued only "after notice and a hearing" (§ 6345, subd. (a)).

The DVPA defines "domestic violence," as relevant here, as abuse perpetrated against a spouse or the child of a party, or against "[a]ny other person related by consanguinity or affinity within the second degree." (§ 6211, subds. (a), (e) & (f).) Abuse includes "plac[ing] a person in reasonable apprehension of imminent serious bodily injury to that person or to another" or "engag[ing] in any behavior that has been or could be enjoined pursuant to Section 6320." (§ 6203, subd. (a)(3), (4).) Enjoined conduct includes molesting, attacking, striking, stalking, threatening, harassing, **[*15]** or "contacting, either directly or indirectly." (§ 6320, subd. (a).) "Abuse is not limited to the actual infliction of physical injury or assault." (§ 6203, subd. (b).) "The DVPA requires a showing of past abuse by a preponderance of the evidence." (In re Marriage of Davila & Mejia, supra, 29 Cal.App.5th at p. 226.) This is a lower standard of proof than the clear and convincing evidence standard required for issuance of civil harassment or workplace violence restraining orders. (In re Marriage of M.P. & M.C. (2025) 116 Cal.App.5th 1096, 1110, 339 Cal. Rptr. 3d 798.)

"A hearing on the DVRO request must typically be held within 21 to 25 days from the date a [temporary DVRO] is granted or denied." (Malinowski v. Martin (2023) 93 Cal.App.5th 691; see § 242, subd. (a).) However, the respondent is entitled to one continuance "as a matter of course," and the hearing may be continued for good cause upon request by either party or on the court's own motion. (§ 245, subds. (a), (b); see In re Marriage of Davila & Mejia, supra, 29 Cal.App.5th at p. 228.) "If the hearing is continued, any [temporary DVRO] that has been issued will remain in effect until the end of the continued hearing, unless otherwise ordered by the court ([§ 245], subd. (c))." (Malinowski, at p. 691.)

"We review the grant or denial of a request for a DVRO for abuse of discretion." (In re Marriage of Davila & Mejia, supra, 29 Cal.App.5th at p. 226.) We also review the grant or denial of a continuance for an abuse of discretion. (N.M. v. W.K. (2024) 100 Cal.App.5th 978, 983, 319 Cal. Rptr. 3d 563; In re Marriage of Tara & Robert D. (2024) 99 Cal.App.5th 871, 881, 318 Cal. Rptr. 3d 255.) "We also review a trial judge's failure to consider evidence for abuse of discretion. [Citation.] And we review the judge's **[*16]** factual findings under a substantial evidence standard of review." (Hatley v. Southard (2023) 94 Cal.App.5th 579, 589, 312 Cal. Rptr. 3d 370.)

We may not reverse the trial court's order based on the "improper admission or rejection of evidence . . . or . . . any error as to any matter of procedure," unless it was prejudicial error that resulted in a "miscarriage of justice." (Cal. Const., art. VI, § 13; see Evid. Code, § 353, subd. (b); In re Marriage of Goddard (2004) 33 Cal.4th 49, 56-57, 14 Cal. Rptr. 3d 50, 90 P.3d 1209.) An error is prejudicial if "there was a '"reasonable probability that in the absence of . . . error, a result more favorable to the appealing party would have been reached."'" (In re Marriage of F.M. & M.M. (2021) 65 Cal.App.5th 106, 118, 279 Cal. Rptr. 3d 522; accord, In re Marriage of M.P. & M.C., supra, 116 Cal.App.5th at p. 1114.)

B. *The Trial Court Did Not Abuse Its Discretion by Continuing the DVRO Hearing*

Infante argues that under section 242, subdivision (a), he was entitled to a hearing within 21 to 25 days of the date the temporary DVRO was granted, and that the June 2023 DVRO hearing "impermissibly exceeded the time requirements specified by § 242." However, the law allows the trial court to continue the DVRO hearing for good cause on the motion of either party, or its own motion. (See §§ 242, subd. (b); 245.) Here, each of the three continuances granted by the court was requested by ***Infante*** himself, while represented by counsel. And although the trial court ultimately stated its first continuance was pursuant to the court's own motion, counsel for both parties **[*17]** expressly agreed to waive time for that continuance.

Infante does not argue the continuances lacked good cause, or that he lacked effective assistance of counsel, merely that the statutory time limit was exceeded. But he cannot now fault the trial court for granting continuances he requested and to which he agreed. (See Villa Zinfandel, LLC v. Bearman (2025) 116 Cal.App.5th 848, 863, fn. 3, 339 Cal. Rptr. 3d 605 ["[A]n

[2] Undesignated statutory references are to the Family Code.

appellant waives [the] right to attack error by expressly or implicitly agreeing or acquiescing at trial to the ruling or procedure objected to on appeal.'"]; accord, *In re Marriage of Broderick (1989) 209 Cal.App.3d 489, 501, 257 Cal. Rptr. 397*; see also *People v. Holmes, McClain and Newborn (2022) 12 Cal.5th 719, 821-822, 289 Cal. Rptr. 3d 582, 503 P.3d 668* ["'Under the doctrine of invited error, when a party by its own conduct induces the commission of error, it may not claim on appeal that the judgment should be reversed because of that error.'"]; accord, *Mary M. v. City of Los Angeles (1991) 54 Cal.3d 202, 212, 285 Cal. Rptr. 99, 814 P.2d 1341*.)

E. *Substantial Evidence Supports the DVRO*

Mendoza, her son, and her father are protected persons under the DVPA. (§ 6211, subds. (a) [spouse], (e) [child of a party], (f) ["other person related by consanguinity or affinity within the second degree"].) The trial court may issue a DVRO to prevent domestic violence based upon reasonable proof of a past act or acts of abuse. (*§ 6300*; *In re Marriage of Davila & Mejia, supra, 29 Cal.App.5th at p. 228*.) "The testimony of one witness, even that of a party, may constitute substantial evidence" (*In re Marriage of Fregoso & Hernandez (2016) 5 Cal.App.5th 698, 703, 209 Cal. Rptr. 3d 884*), and "[i]n many domestic violence **[*18]** cases, . . . the sole evidence of abuse will be the survivor's own testimony which, standing alone, can be sufficient to establish a fact[.]" (*In re Marriage of F.M. & M.M., supra, 65 Cal.App.5th at p. 119*.)

Mendoza's testimony and exhibits are substantial evidence supporting the trial court's finding that ***Infante*** committed prior acts of domestic abuse warranting protection for Mendoza, their son, and Mendoza's father. By pushing, striking, and strangling Mendoza, as well as pulling her to the floor and throwing her into the wall, ***Infante*** committed domestic abuse by "intentionally or recklessly caus[ing] or attempt[ing] to cause bodily injury." (§ 6203, subd. (a)(1); see § 6320, subd. (a) [abuse includes "attacking, striking," and "battering"].) By threatening to kill or shoot Mendoza and her father, ***Infante*** committed domestic abuse by placing Mendoza "in reasonable apprehension of imminent serious bodily injury to [herself] or to another." (§ 6203, subd. (a)(3); see 6320, subd. (a) [abuse includes "threatening" conduct].) By physically abusing Mendoza in the presence of their son—who "c[a]me down next to [Mendoza]" on the floor where ***Infante*** was striking her, crying and saying, "'Mom, Mom,'"—***Infante*** committed domestic abuse by placing their son "in reasonable apprehension of imminent serious bodily injury . . . to **[*19]** another," i.e. his mother. (§ 6203, subd. (a)(3).) ***Infante***'s repeated calls to police and child welfare services regarding Mendoza after being served with the temporary DVRO also constituted domestic abuse. (See §§ 6203, subd. (a)(3) & (4), 6320, subds. (a) [abuse includes engaging in "harassing" conduct and "disturbing the peace of the other party"] & (c) ["'disturbing the peace of the other party' refers to conduct that, based on the totality of the circumstances, destroys the mental or emotional calm of the other party[,]" and which "may be committed directly or indirectly, including through the use of a third party, and by any method or through any means . . ."].)

Infante argues the trial court erred by crediting Mendoza's testimony and evidence over his, especially given her alleged history of mental illness, opioid addiction, and child welfare system involvement. However, our inquiry "'is whether substantial evidence supports the court's finding, not whether a contrary finding might have been made. [Citation.] We accept as true all evidence tending to establish the correctness of the trial court's findings and resolve every conflict in favor of the judgment.'" (*Br. C. v. Be. C. (2024) 101 Cal.App.5th 259, 269, 320 Cal. Rptr. 3d 145*; accord, *M.S. v. A.S. (2022) 76 Cal.App.5th 1139, 1143-1144, 292 Cal. Rptr. 3d 177*.)

Here, the trial court expressly found Mendoza's testimony to be credible **[*20]** and ***Infante***'s testimony not credible. To the extent ***Infante*** argues the trial court should have believed his version of events over Mendoza's version, we cannot make such a finding. "On appeal, we resolve all factual conflicts and questions of credibility in favor of the prevailing party. (*Schild v. Rubin (1991) 232 Cal.App.3d 755, 762, 283 Cal. Rptr. 533*.) Thus, we cannot substitute our own credibility determinations and factual findings for that of the trial court." (*Br. C. v. Be. C., supra*, 101 Cal.App.5th at p. 269.)

Infante also argues the trial court erred by failing to ensure a criminal search was done to refute Mendoza's allegations that he was a convicted felon. "The DVPA requires the court to conduct a search 'to determine if the subject of the proposed order has a prior criminal conviction for a violent felony . . . or a serious felony . . . ; has [certain enumerated] misdemeanor conviction[s]; has an outstanding warrant; is currently on parole or probation; owns or possesses a firearm . . . or has a prior restraining order or a violation of a prior restraining order.'" (*In re Marriage of M.P. & M.C., supra, 116 Cal.App.5th at p. 1113*; § 6306, subd. (a)(1).) ***Infante*** contends the trial court should have "vet[ted]" him

pursuant to section 6306, subdivision (a), and considered his lack of violent criminal history to impeach Mendoza's credibility.

The record does not indicate whether the trial court conducted **[*21]** a search of ***Infante***'s prior convictions, as section 6306, subdivision (a) requires. In the absence of record evidence to the contrary, we presume the "'trial court . . . followed the applicable law'" (*People v. Bryant, Smith and Wheeler (2014) 60 Cal.4th 335, 398, 178 Cal. Rptr. 3d 185, 334 P.3d 573*), and there is no requirement under section 6306 that the court explicitly state it has searched prior conviction records. But even if the court erred by not conducting such a search, any error is prejudicial only if "there was a ""reasonable probability that in the absence of . . . error, a result more favorable to the appealing party would have been reached."'" (*In re Marriage of F.M. & M.M., supra, 65 Cal.App.5th at p. 118*; accord, *In re Marriage of M.P. & M.C., supra, 116 Cal.App.5th at p. 1114*.) Here, Mendoza alleged ***Infante*** "does have a violent history and is a felon." ***Infante*** admitted at trial that he had a prior felony conviction for "marijuana," but asserted he did not have a "violent history." That a criminal records search would have confirmed only a nonviolent criminal history does not make it reasonably probable that information would have changed the result, given Mendoza's evidence of ***Infante***'s violence and abusive history towards her. Mendoza's declaration and testimony regarding ***Infante***'s actions were sufficient evidence to warrant the issuance of DVRO. (See *In re Marriage of M.P. & M.C., supra, at pp. 1113-1114* [court's reliance on criminal allegations that did not involve a conviction **[*22]** was harmless error, where "their exclusion would not have led to a different outcome"].)

For the foregoing reasons, the DVRO is affirmed.

DISPOSITION

The trial court's order is affirmed. Mendoza may recover her costs on appeal.

MARTINEZ, P. J.

We concur:

SEGAL, J.

STONE, J.

End of Document

LexisNexis

User Name: =

Date and Time: = 2026-11-08

Job Number: = 301579932

Documents (1)

Client/Matter: -None-

Search Terms: ANTONIO W/5 INFANTE

Search Type: Boolean

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1. Mendoza v. Infante, 2026 Cal. LEXIS 4326

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Mendoza v. Infante

Supreme Court of California

August 12, 2026, Opinion Filed

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Reporter
2026 Cal. LEXIS 4326 *; 2026 LX 418307

JENNIFER MARIE MENDOZA, Plaintiff and Respondent, v. ***ANTONIO*** URENA ***INFANTE***, Defendant and Appellant.

Prior History: **[*1]** Second Appellate District, Division Seven, No. B340296.

Mendoza v. Infante, 2026 Cal. App. Unpub. LEXIS 3226, 2026 WL 1298110 (May 12, 2026)

Opinion

The petition for review is denied.

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