

NO. 07-01-0466-CV
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL D
JUNE 10, 2005

In the Matter of the Marriage of LESLIE SUSANNE GARY and
LESLIE LAVOISE GARY and in the interest of N.L.G., a child

FROM THE 64TH DISTRICT COURT OF HALE COUNTY;
NO. A-29,652-9803; HON. JACK R. MILLER, PRESIDING

Memorandum Opinion

Before QUINN, C.J., and REAVIS and CAMPBELL, JJ.

Leslie Susanne Gary appeals from a final judgment awarding her ex-husband, Leslie Lavoise Gary (Lavoise) sole managing conservatorship of their five year old child. Her two issues concern the trial court's decision to exclude evidence. The evidence encompassed statements by the child and Leslie describing purported acts of sexual abuse (anal intercourse) purportedly committed by the father. Leslie sought their admission in effort to gain custody of the child. The trial court excluded them. We affirm.

In short, the evidence in question was admitted through sources or means other than those to which Lavoise objected. Given this, it can be said that the excluded evidence was cumulative of that admitted, and, consequently, Leslie was not harmed by the trial court's rulings, assuming, of course, that they were inaccurate. *See Hooper v. Torres*, 790

S.W.2d 757, 761 (Tex. App.--El Paso 1990, writ denied) (holding harmless the decision to exclude particular evidence since the evidence essentially was admitted elsewhere at trial).

Accordingly, we affirm the judgment of the trial court.

Per Curiam