

**CARRENO V. GOMEZ**

This memorandum opinion was not selected for publication in the New Mexico Appellate Reports. Please see Rule 12-405 NMRA for restrictions on the citation of unpublished memorandum opinions. Please also note that this electronic memorandum opinion may contain computer-generated errors or other deviations from the official paper version filed by the Court of Appeals and does not include the filing date.

**JESUS CARRENO,**  
Plaintiff-Appellee,

v.

**PETER J. GOMEZ and**  
**MARY ELLEN McAFEE,**  
Defendants-Appellants,

and

**PENNY GOMEZ, PEDRO J. GOMEZ,**  
**ELFEGO GOMEZ, CANDELARITA**  
**Q. GOMEZ, and ALL UNKNOWN**  
**PERSONS CLAIMING AN INTEREST**  
**IN THE PREMISES ADVERSE TO**  
**THE PLAINTIFF,**  
Defendants.

No. 33,177

COURT OF APPEALS OF NEW MEXICO

March 5, 2014

APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY, Glenn T. Ellington,  
District Judge

**COUNSEL**

Law Office of Karen Aubrey, Karen Aubrey, Santa Fe, NM, for Appellee

Peter J. Gomez, Mary Ellen McAfee, Santa Fe, NM, Pro Se Appellants

**JUDGES**

RODERICK T. KENNEDY, Chief Judge. WE CONCUR: JONATHAN B. SUTIN, Judge,  
M. MONICA ZAMORA, Judge

**AUTHOR:** RODERICK T. KENNEDY

## MEMORANDUM OPINION

**KENNEDY, Chief Judge.**

{1} Peter Gomez and Mary Ellen McAfee (Defendants) appeal the judgment entered against them in the district court, asserting, among other things, that they “were not notified of a hearing or issuance” of the judgment prior to its entry. [DS 1] This Court issued a notice of proposed summary disposition, proposing to reverse and remand for the limited purpose of allowing the district court to conduct a presentment hearing prior to entry of a final judgment. [CN 4] That notice also denied as moot Defendants’ then-pending motion to amend the docketing statement. [CN 2]

{2} Jesus Carreno (Plaintiff) has filed a “Response to Notice of Proposed Summary Disposition” that, in substance, supports the disposition proposed by this Court. Defendants have filed a “Memorandum in Support of Proposed Disposition to Reverse and Remand for the Limited Purpose of Conducting Hearing on Judgment” that agrees with this Court’s proposed summary disposition, but also raises new issues and requests relief related to Plaintiff’s actions in connection with execution of the judgment below. As Defendants’ memorandum asserts and relies upon facts that have occurred since the entry of judgment in this case, the relief requested therein depends entirely upon facts that do not currently appear in the record on appeal. As a result, the new relief requested in Defendants’ memorandum is not properly before this Court at this time. *See State v. Reynolds*, 1990-NMCA-122, ¶ 16, 111 N.M. 263, 804 P.2d 1082 (“Matters outside the record present no issue for review.”).

{3} In any event, the parties are in agreement that the judgment below should be reversed, and the case remanded for a presentment hearing. Thus, for the reasons stated here and in our notice of proposed summary disposition, the judgment below is reversed, and the case is remanded for the limited purpose of allowing the district court to conduct a presentment hearing prior to entry of a final judgment.

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

**RODERICK T. KENNEDY, Chief Judge**

**WE CONCUR:**

**JONATHAN B. SUTIN, Judge**

**M. MONICA ZAMORA, Judge**