

1 **IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

2 **CITY OF ALAMOGORDO,**

Court of Appeals of New Mexico
Filed 2/7/2024 11:45 AM

3 Plaintiff-Appellee,



Cynthia A. Hernandez-Madrid
Acting Chief Clerk

4 v.

No. A-1-CA-41425

5 **CARL R. CANTRELL,**

6 Defendant-Appellant.

7 **APPEAL FROM THE DISTRICT COURT OF OTERO COUNTY**

8 **Angie K. Schneider, District Court Judge**

9 Ashley N. Smith
10 Alamogordo, NM

11 for Appellee

12 Carl R. Cantrell
13 Alamogordo, NM

14 Pro Se Appellant

15 **MEMORANDUM OPINION**

16 **HANISEE, Judge.**

17 {1} Defendant appeals from the district court's order finding him not guilty for
18 the unlawful accumulation of growth on his property and guilty for the accumulation
19 of garbage, refuse, and debris on his property. We issued a calendar notice proposing
20 to affirm because Defendant did not raise any issues for us to address. Defendant has
21 filed a memorandum in opposition, which we have duly considered. We hold that
22 Defendant has not demonstrated error, and we therefore affirm.

1 {2} In our calendar notice, we proposed to affirm the district court’s order on the
2 grounds that Defendant was not an aggrieved party because the district court agreed
3 with his argument that the City of Alamogordo’s ordinance on the unlawful growth
4 or accumulation on lots is unconstitutional on its face as the language in the
5 ordinance is vague. [CN 4] In addition, we explained that to the extent Defendant
6 sought declaratory judgment on the constitutionality of the City of Alamogordo’s
7 ordinances regarding the appearance of property, there was no indication in the
8 docketing statement that his issues had been raised before the district court. [CN 5]

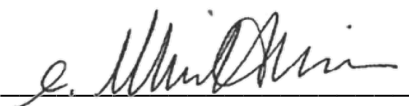
9 {3} In his memorandum in opposition, Defendant points to his written closing
10 statement and argues that it demonstrates that he challenged the “constitutionality of
11 [the City of Alamogordo’s] entire program and why it should be shut down to
12 prevent the government using it to abuse [its] power.” [MIO PDF 6] Defendant
13 further explains that “[t]he only reason [he] has appealed this case . . . is to bring to
14 the attention of the court the misbehavior of the City so the court could force the
15 [C]ity into compliance with the US Constitution, [s]tate law, and [f]ederal law.”
16 [MIO PDF 6]

17 {4} After reviewing Defendant’s written closing statement along with his
18 memorandum in opposition, we conclude that although Defendant argued that the
19 City of Alamogordo’s ordinances regarding the appearance of property were
20 unconstitutional, he still has not provided us with any issues for our review. *See*

1 *Pirtle v. Legis. Council Comm. of N.M. Legislature*, 2021-NMSC-026, ¶ 58, 492
2 P.3d 586 (explaining that as an appellate court, we rely on documents presented to
3 us to “decide legal issues and avoid reaching out to construct legal arguments that
4 the parties, intentionally or otherwise, have not presented”); *see also Headley v.*
5 *Morgan Mgmt. Corp.*, 2005-NMCA-045, ¶ 15, 137 N.M. 339, 110 P.3d 1076 (“We
6 will not review unclear arguments, or guess at what [a party’s] arguments might
7 be.”). Rather, Defendant makes general, conclusory statements about the City of
8 Alamogordo’s ordinances, but does not challenge the district court’s ruling finding
9 him guilty for violating the ordinance of accumulation of garbage, refuse and debris
10 on his property. Defendant does not provide us with any new facts, authority, or
11 argument to demonstrate that the district court’s order was erroneous. *See Hennessy*
12 *v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d 683 (“Our courts have
13 repeatedly held that, in summary calendar cases, the burden is on the party opposing
14 the proposed disposition to clearly point out errors in fact or law.”).

15 {5} Accordingly, for the reasons stated in our notice of proposed disposition and
16 herein, we affirm the district court’s order.

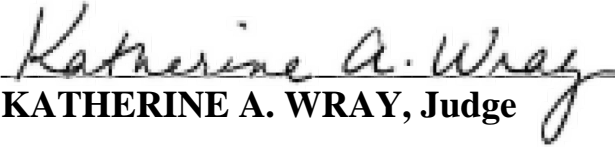
17 {6} **IT IS SO ORDERED.**

18 
19 **J. MILES HANISEE, Judge**

1 **WE CONCUR:**

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3 **SHAMMARA H. HENDERSON, Judge**

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5 **KATHERINE A. WRAY, Judge**