


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

2 **ASHLEY RENEE STARR**  
3 **a/k/a ASHLEY RENEE BARRY,**

Court of Appeals of New Mexico  
Filed 11/4/2024 10:14 AM



Ramon J. Maestas  
Chief Clerk

4           Petitioner-Appellee,

5 v.

**No. A-1-CA-41114**

6 **ROCKY BRIAN STARR,**

7           Respondent-Appellant.

8 **APPEAL FROM THE DISTRICT COURT OF SAN JUAN COUNTY**

9 **Curtis R. Gurley, District Court Judge**

10 Law Office of Mark A. Curnutt, LLC

11 Mark A. Curnutt

12 Farmington, NM

13 for Petitioner

14 Ramon Hernandez Law, LLC

15 Ramon Hernandez

16 Las Cruces, NM

17 for Respondent

18   **MEMORANDUM OPINION**

19 **DUFFY, Judge.**

20 {1}     Respondent Rocky Brian Starr appeals the district court’s final decree. In our  
21 notice of proposed summary disposition, we proposed to affirm. Respondent has  
22 filed a memorandum in opposition, which we have duly considered. As we are not  
23 persuaded by Respondent’s arguments, we affirm.

1 {2} In our notice of proposed summary disposition, we proposed to hold that  
2 sufficient evidence was presented to support the district court’s determination that a  
3 2013 Ford F150 truck and a 2016 Ford Flex SUV were community property and that  
4 Respondent owed a separate debt on the SUV.

5 {3} In his memorandum in opposition, Respondent continues to generally argue,  
6 based upon the same facts stated in the docketing statement and referenced in our  
7 calendar notice, that the evidence was insufficient to support these findings. The  
8 memorandum does not, however, attempt to provide any new facts or authorities that  
9 might persuade us that our proposed summary disposition was in error. Nor does  
10 Respondent’s memorandum in opposition point out any factual or legal error in our  
11 notice of proposed disposition. “Our courts have repeatedly held that, in summary  
12 calendar cases, the burden is on the party opposing the proposed disposition to  
13 clearly point out errors in fact or law.” *Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24,  
14 124 N.M. 754, 955 P.2d 683. When responding to a calendar notice, it is the party’s  
15 responsibility to “specifically point out errors of law and fact” contained in the  
16 notice, and merely repeating earlier arguments does not fulfill that requirement. *State*  
17 *v. Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003, *superseded*  
18 *by statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297  
19 P.3d 374. Respondent has not met that burden in this appeal.

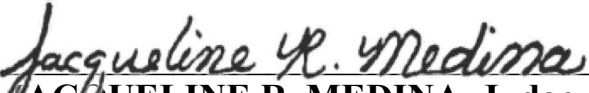
1 {4} Thus, for the reasons stated here and in our notice of proposed summary  
2 disposition, we affirm the district court's final decree.

3 {5} **IT IS SO ORDERED.**

4   
5 MEGAN P. DUFFY, Judge

6 **WE CONCUR:**

7   
8 JENNIFER L. ATKER, Chief Judge

9   
10 JACQUELINE R. MEDINA, Judge