

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

Court of Appeals of New Mexico

Filed 7/31/2026 10:31 AM

**LINDA WESLEY WALSH,**

Petitioner-Appellee,

v.

**No. A-1-CA-43060**

**ANDREW FLOYD CHACON,**

Respondent-Appellant.

**APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY**

**Amber Chavez Baker, District Court Judge**

Linda Wesley Walsh

Albuquerque, NM

Pro Se Appellee

Andrew Chacon

Albuquerque, NM

Pro Se Appellant

**MEMORANDUM OPINION**

**MEDINA, Chief Judge.**

{1} Respondent appeals from the district court's final decree of dissolution of marriage. We issued a calendar notice proposing to affirm. Respondent has filed a memorandum in opposition, which we have duly considered. Unpersuaded, we affirm.

{2} In his memorandum in opposition, Respondent continues to argue against the hearing officer's finding of facts regarding the separation of property. [MIO 2] In

1 our calendar notice, we proposed affirmance on the basis that we will not reweigh  
2 the evidence supporting the hearing officer’s finding of facts. [CN 6-7] Respondent  
3 has not provided us with any new facts, argument, or authority to demonstrate that  
4 our proposed disposition was erroneous. A party responding to a summary calendar  
5 notice must come forward and specifically point out errors of law and fact, and the  
6 repetition of earlier arguments does not fulfill this requirement. *See State v.*  
7 *Mondragon*, 1988-NMCA-027, ¶ 10, 107 N.M. 421, 759 P.2d 1003, *superseded by*  
8 *statute on other grounds as stated in State v. Harris*, 2013-NMCA-031, ¶ 3, 297 P.3d  
9 374; *see also Hennessy v. Duryea*, 1998-NMCA-036, ¶ 24, 124 N.M. 754, 955 P.2d  
10 683 (“Our courts have repeatedly held that, in summary calendar cases, the burden  
11 is on the party opposing the proposed disposition to clearly point out errors in fact  
12 or law.”).

13 {3} Respondent also continues to argue that there were discovery issues and that  
14 sanctions against Petitioner and her counsel “were not granted despite documented  
15 violations.” [MIO 2] In our calendar notice, we explained that the record proper  
16 indicated that Respondent “voluntarily elected to not obtain and review the available  
17 discovery until the eve of trial.” [CN 5; RP 338, ¶ 7] In his memorandum in  
18 opposition, Respondent continues to make the same arguments that discovery was  
19 produced seven months late and that Petitioner’s counsel improperly withdrew.  
20 [MIO 2] Respondent has not provided this Court with any more facts, argument, or

1 authority to demonstrate how he was prejudiced or how our proposed disposition  
2 was erroneous. *See Mondragon*, 1988-NMCA-027, ¶ 10; *Hennessy*, 1998-NMCA-  
3 036, ¶ 24.

4 {4} Respondent also continues to maintain that the district court ignored or denied  
5 his requests for disability accommodations. [MIO 2] We proposed to affirm and  
6 explained that Respondent had not provided us with information regarding what  
7 accommodations he required and how a denial of those accommodations prejudiced  
8 him. [CN 9] Respondent has not provided this Court with additional facts, argument,  
9 or authority to persuade us that our proposed disposition was erroneous. Rather, he  
10 repeats the same arguments he previously made in his docketing statement and  
11 motions filed with this Court. Because Respondent has not pointed out errors of law  
12 and fact in our proposed disposition, we conclude that he has not met his burden on  
13 appeal. *See Mondragon*, 1988-NMCA-027, ¶ 10; *Hennessy*, 1998-NMCA-036, ¶ 24.

14 {5} Finally, Respondent again asserts that the record proper needs to be  
15 supplemented. [MIO 2] He further explains that his residence was destroyed in a fire  
16 resulting in the loss of legal records. This Court did a limited remand to the district  
17 court “for the limited purpose of determining whether [the motions referenced in  
18 Respondent’s motion] were filed and if so, to supplement the record proper.”  
19 [Odyssey, 3/13/2026 Ord.] As noted in our calendar notice, the district court  
20 conducted a review of the record proper and determined that all pleadings were

1 properly docketed and included in the record proper. [CN 8-9] Although Respondent  
2 requests this Court “to supplement [the record proper] when replacement copies [of  
3 the documents lost] become available” [MIO 2], we conclude that this is not  
4 necessary as the record proper in its current state is accurate.

5 {6} For the reasons stated in our notice of proposed disposition and herein, we  
6 affirm.

7 {7} **IT IS SO ORDERED.**

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9 **JACQUELINE R. MEDINA, Chief Judge**

10 **WE CONCUR:**

11   
12 **ZACHARY A. IVES, Judge**

13   
14 **SHAMMARA H. HENDERSON, Judge**