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

**No. A-1-CA-38509**

**HOME REJUVENATION 1, LLC,**

Plaintiff-Appellee,

v.

**RICHARD TORRES and RENEE  
TORRES,**

Defendants-Appellants.

**APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY  
Benjamin Chavez, District Judge**

Law Offices of Darlene Gomez, LLC  
Darlene T. Gomez  
Albuquerque, NM

for Appellee

Renee Torres  
Richard Torres  
Albuquerque, NM

Pro Se Appellants

**MEMORANDUM OPINION**

**HANISEE, Chief Judge.**

{1} Defendants have appealed following the dismissal of their appeal to the district court. We previously issued a notice of proposed summary disposition in which we proposed to affirm. Plaintiff has filed a memorandum in support, and Defendants have filed a memorandum in opposition. After due consideration, we affirm.

{2} We briefly reiterate the relevant background information as follows. This matter came before the district court as an appeal from an on-record metropolitan court trial.

The district court was therefore required to review the case in its appellate capacity. See NMSA 1978, § 34-8A-6(b) (1993, amended 2019); *Serna v. Gutierrez*, 2013-NMCA-026, ¶ 13, 297 P.3d 1238; *State v. Trujillo*, 1999-NMCA-003, ¶ 4, 126 N.M. 603, 973 P.2d 855 (“For on-record appeals the district court acts as a typical appellate court, with the district judge simply reviewing the record of the metropolitan court trial for legal error.”). To facilitate such review, it is the responsibility of the litigants to request a recording of the proceedings. See Rule 3-708(A) NMRA. See also *Jeantete v. Jeantete*, 1990-NMCA-138, ¶ 9, 111 N.M. 417, 806 P.2d 66 (“An appellant has the duty of providing an adequate record sufficient to review the issues raised on appeal.”). In this case, no such request was made. [RP 57] The district court therefore dismissed the appeal, on grounds that it lacked any means of conducting review. [RP 57-58]

{3} As we previously observed in the notice of proposed summary disposition, [CN 2-3] in the absence of a recording of the proceedings, the district court could neither ascertain whether Defendants had preserved their arguments, nor evaluate the sufficiency of the evidence to support the decision rendered by the metropolitan court. Under such circumstances, there was no basis for review. See generally *Lujan ex rel. Lujan v. Casados-Lujan*, 2004-NMCA-036, ¶ 20, 135 N.M. 285, 87 P.3d 1067 (“Bedrock principles of appellate law dictate that matters not of record present no issue for review[.]”).

{4} In their memorandum in opposition Defendants continue to seek to present additional arguments on the merits to this Court. However, we are in no position to entertain them. See generally *Deutsche Bank Nat’l Tr. Co. v. Beneficial N.M. Inc.*, 2014-NMCA-090, ¶ 16, 335 P.3d 217 (“[W]e are not a fact-finding entity.”), *aff’d in part, rev’d in part on other grounds sub nom. Deutsche Bank National Trust Co. v. Johnston (Deutsche Bank II)*, 2016-NMSC-013, 369 P.3d 1046; *Serna*, 2013-NMCA-026, ¶ 29 (“This Court will not re[]weigh the evidence or substitute our judgment for the trier of fact on appeal.”); *Rangel v. Save-Mart, Inc.*, 2006-NMCA-120, ¶ 36, 140 N.M. 395, 142 P.3d 983 (“We do not consider matters not of record.”); *Herndon v. Albuquerque Pub. Sch.*, 1978-NMCA-072, ¶ 14, 92 N.M. 635, 593 P.2d 470 (explaining that “it is beyond the function of an appellate court to find facts omitted by the trial court”).

{5} Accordingly, for the reasons stated in the notice of proposed summary disposition and above, we affirm.

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

**J. MILES HANISEE, Chief Judge**

**WE CONCUR:**

**MEGAN P. DUFFY, Judge**

**BRIANA H. ZAMORA, Judge**