

CASES FILED WITH THE NEW MEXICO SUPREME COURT

Following is a comprehensive summary of every case the Commission has filed with the New Mexico Supreme Court. Cases are listed in sequential order of filing.

In re Jack Elder, Taos County Magistrate Judge (N.M. 1973). Allegations included certifying residency on false hunting application; improperly dismissing hunting-related charges; and permitting others to sign his name to warrants. Judge removed.

In re Joe Peter Martinez, Sandoval County Magistrate Judge, No. 10,188 (N.M. 1974). Allegations included improperly dismissing DWI and related charges without a hearing. Judge suspended one month and ordered to pay Commission's costs.

In re Joe L. Martinez, Supreme Court Justice, No. 10,526 (N.M. 1975). Allegations included failing to perform duties; failing to require secretary to observe regular hours; improperly instructing law clerk to use "test opinion" that had been prepared by one party's attorney while claiming it was prepared by Superintendent of Insurance; preparing backdated memorandum to law clerk on opinion preparation; lying to Commission about date of memorandum's preparation and delivery; threatening to embarrass and injure other Justices unless Chief Justice terminated Commission's proceedings. Justice resigned prior to Supreme Court proceeding upon Commission's findings, conclusions and disciplinary recommendation.

In re Robert F. Serrano, Guadalupe County Magistrate Judge, No. 10,968 (N.M. 1976). Allegations included failing to give proper receipt for fines received; falsifying records, final judgment, receipts, and docket sheets; failing to account properly for State funds; and converting \$1,200 of State funds to his own use. Judge removed and ordered to pay Commission's costs.

In re A. L. "Happy" Apodaca, Dona Ana County Magistrate Judge, No. 11,862 (N.M. 1978). Allegations included presiding over civil suit brought against his son; failing to inform plaintiff that defendant was his son; failing to advise plaintiff about right to disqualify judge or about judge's duty to recuse; taking case under advisement, calling plaintiff, negotiating settlement, personally delivering settlement check, and during hearing denying having called plaintiff. Judge removed and ordered to pay Commission's costs.

In re Earl Booth, Clovis Municipal Judge, No. 12,336 (N.M. 1979). Allegations included improperly dismissing five DWI cases *ex parte* and without hearings; altering DWI citation to reckless driving without consent of arresting officer or city attorney; repeating misconduct in two additional cases after being advised by district attorney that conduct was illegal; and habitually initiating and considering *ex parte* communications with police officers. Judge resigned prior to Supreme Court proceedings upon Commission's findings, conclusions and disciplinary recommendation.

In re Baltazar Archuleta, Rio Arriba County Magistrate Judge, No. 12,709 (N.M. 1979). Allegations included failing to recuse from criminal matters involving county commissioners as political/personal favor. Commission's recommendation rejected.

In re Phillip Archuleta, Taos County Magistrate Judge, No. 13,282 (N.M. 1980). Allegations included intentionally firing pistol at his own vehicle five times while under the influence of intoxicating liquor;

falsely reporting to police that another person fired shots at the car; admitting drinking history; and making false statements to Commission. Judge removed.

In re Pat Romero, Las Vegas Municipal and San Miguel County Magistrate Judge, No. 13,679 (N.M. 1981). Allegations included persistently failing to perform and not requiring staff to perform administrative duties regarding status and disposition of cases, and receipt and disposition of bond and fine monies; altering required reports; failing to timely remit fine monies to city; failing to timely file reports; failing to establish and maintain proper system for control of bonds; and improperly delegating record keeping and report preparation to untrained and unsupervised clerks. Judge censured and ordered to pay Commission's costs.

In re Donaldo Martinez, Fourth Judicial District Judge, 99 N.M. 198 (1982). Allegations included countermanding presiding judge's orders; banning district attorney from performing statutory duties; permitting his son (an attorney) to practice before him without complying with rules; and signing temporary restraining order for his son beyond his judicial authority. Judge suspended sixty days without pay and ordered to pay Commission's costs.

In re Pat Romero, Las Vegas Municipal and San Miguel County Magistrate Judge, 100 N.M. 180 (1983). Allegations included improper demeanor with a defendant's family; improperly reading pending charges and finding defendant guilty when defendant was absent and had been instructed not to appear; making improper comment; telling defendant's mother she could not receive refund of bond and refusing to give receipt; failing to inform defendant's mother that bond money was still being held in court's account. Judge suspended thirty days without pay and ordered to pay Commission's costs.

In re Frank Emerson, Valencia County Magistrate and Grants Municipal Judge, 15,289 (N.M. 1984). Allegations included issuing warrant for litigant's arrest who had verbally abused him; issuing writ of replevin where no civil complaint had been filed, no docket fee paid, no hearing held, and no notice given to parties; *ex parte* communications with parties; modifying a judgment based on *ex parte* communications, and voiding second judgment without providing parties with notice or opportunity to be heard. Judge censured and ordered to pay Commission's costs.

In re Marvin Terry, Quay County Magistrate and San Jon Municipal Judge, No. 15,469 (N.M. 1984). Allegations included accepting and using a partial load of lumber valued in excess of \$100 from a defendant truck driver who he had previously ordered to reduce the truck's load. Judge suspended thirty days and ordered to pay Commission's costs.

In re Joseph A. Lucero, Santa Fe County Magistrate Judge, No. 15,876 (N.M. 1985). Allegations included filing criminal complaints against two individuals in his own court concerning matters involving an apartment building he owned; setting cash bond and keeping defendants jailed four days until they agreed to repair damage that Judge requested (after which, criminal complaints were dismissed). Judge removed.

In re Berna Garcia, Mountainair Municipal Judge, No. 15,967 (N.M. 1985). Allegations included accepting and signing absentee ballot without first administering oath required by law and in the absence of the person casting absentee ballot. Judge suspended fifteen days and ordered to pay Commission's costs.

In re John R. Perea, San Miguel County Magistrate Judge, No. 16,110 (N.M. 1985). Allegations included delegating duty to perform marriage to Las Vegas Municipal Court Clerk. Judge suspended five days without pay and publicly reprimanded.

In re Lidio G. Rainaldi, Gallup Municipal Judge, No. 16,559 (N.M. 1986). Allegations included operating DWI school; allowing offenders to attend his school as alternative to sentence; receiving portion of \$50 per defendant fee; and receiving \$5,000 annually from City for serving as DWI school's director. Judge ordered to cease operation of DWI school and to stop referring defendants appearing before him to the school.

In re Benjamin S. Eastburn, Eleventh Judicial District Judge, No. 16,733 (N.M. 1986). Allegations included having a financial interest and being a partner in a DWI school operated under auspices of the Farmington Municipal Court; serving as instructor at DWI school; and sharing in the profits of the partnership. Judge ordered to divest his interest in partnership.

In re Berna Garcia, Mountainair Municipal Judge, No. 16,974 (N.M. 1987). Allegations included not being available to perform judicial duties; refusing to comply with town ordinance governing court hours; failing to post a work schedule; failing to make arrangements to be reached by telephone; and allowing Judge's son-in-law (a town police officer) to serve as prosecutor on criminal complaints in her court. Judge suspended thirty days without pay and ordered to pay Commission's costs.

In re Walter F. Herrera, Taos County Magistrate Judge, No. 17,289 (N.M. 1987). Allegations included failing to perform duties as a political favor; having *ex parte* communications with litigant's son; and instructing court clerk to prepare backdated criminal complaint charging defendant with another crime to avoid statute of limitations. Judge suspended sixty days and ordered to pay Commission's costs.

In re Martin Valenzuela, Ruidoso Downs Municipal Judge, No. 17,364 (N.M. 1987). Allegations included failing to hold court and perform judicial duties for an extended period; failing to provide village officials with reason for absence or with notice when he planned to resume duties; failing to respond to Commission's Notice of Formal Proceedings or to appear at hearing; and failing to appear for Supreme Court hearing. Judge removed and partial salary forfeited.

In re Berna Garcia, Mountainair Municipal Judge, No. 16,974 (N.M. 1988). Allegations included failing to hold court for extended period; requiring police officers to be in court before 9:00 a.m. and threatening dismissal for non-compliance (officers could not appear by time Judge demanded because they were required by municipality to be guarding school crossings between 8:15 a.m. and 8:45 a.m.). Judge removed and partial salary forfeited.

In re Joe C. Montoya, Taos Municipal Judge, No. 17,843 (N.M. 1988). Allegations included driving while intoxicated; causing accident on highway; and failing to cooperate with investigating police officers. Judge suspended thirty days without pay and ordered to pay Commission's costs.

In re Baltazar Archuleta, Rio Arriba County Magistrate Judge, No. 17,903 (N.M. 1988). Allegations included driving under influence of intoxicating liquor and attempting to obstruct and evade police officer in performance of official duties. Judge suspended six months without pay and ordered to submit to alcohol dependency examination, to comply with recommendation of alcohol examiners, and to pay Commission's costs.

In re Ignacio Garcia, Socorro County Magistrate Judge, No. 18,385 (N.M. 1989). Allegations included failing to perform judicial duties; accepting partial payment of fines contrary to Supreme Court directive; accepting monies from defendants and placing them in file, rather than sending them to court clerk for proper handling; delaying disposition of civil matters; taking criminal cases under advisement for lengthy periods; failing to docket traffic cases properly on court calendar; docketing and disposing of cases without properly recording decision; suspending mandatory sentences after imposition in revoked/suspended driver's license cases; failing to prepare final orders on approved forms for DWI cases; and failing to perform administrative duties properly. Judge suspended two months without pay, ordered to attend magistrate training course at own expense, ordered to work with fellow magistrate(s) for thirty days, placed on one year probation, and ordered to pay Commission's costs.

In re Baltazar Archuleta, Rio Arriba County Magistrate Judge, No. 17, 903 (N.M. 1989). Allegation included conviction for DWI and reckless driving. Judge removed.

In re Richard C. Martinez, Rio Arriba County Magistrate Judge, No. 18,863 (N.M. 1989). Allegations included drinking beer in Judge's home with defendant who had matters pending before Judge's court; telling defendant that if he had enough money to buy beer he should have enough to pay to clear driving record; telling the defendant that he was tired of defendant's "bullshit" and if he did not clear up the matter of his driver's license by the end of the week the Judge was going to "throw his ass in jail"; and failing to prevent the defendant from driving when Judge observed and considered him to be intoxicated. Judge suspended thirty days without pay and publicly reprimanded.

In re Baudelio "Bobby" Ramirez, Roswell Municipal Judge, No. 19,027 (N.M. 1990). Allegations included improper demeanor; allowing individuals who were not licensed to practice law to represent defendants in his court; and signing his deceased father's name on documents transferring title of vehicle. Judge publicly reprimanded.

In re David A. Lucero, Sandoval County Probate Judge, No. 18,741 (N.M. 1990). Allegations included conviction for trafficking a controlled substance; and failing to respond to Commission's Notice of Formal Proceedings. Commission's initial temporary suspension petition rejected, but upon subsequent petition, judge temporarily suspended. Judge later resigned prior to Supreme Court proceedings upon Commission's findings, conclusions, and disciplinary recommendation.

In re Walter F. Herrera, Taos County Magistrate Judge, No. 19,202 (N.M. 1990). Allegations included modifying judgment and sentence without prior notice to district attorney; and illegally releasing DWI defendant from further incarceration. Judge resigned prior to Supreme Court proceedings upon Commission's findings, conclusions and disciplinary recommendation.

In re Russell L. Muffley, Clovis Municipal Judge, No. 19,238 (N.M. 1990). Allegations included purchasing keg of beer for 19-year-old son's party held in judge's garage; and conviction for selling or giving alcoholic beverages to minors. Judge suspended thirty days without pay and publicly reprimanded.

In re Lorenzo Casaus, Bernalillo Municipal Judge, No. 19,578 (N.M. 1991). Allegations included receiving money from two criminal defendants in exchange for dismissing charges pending against them in his court. Judge removed and partial salary forfeited.

In re Herbert S. Blakely, Union County Magistrate Judge, No. 19,958 (N.M. 1991). Allegations included instructing jail personnel to release judge's friend to his custody where judge had already recused from case; transporting defendant out of jurisdiction where defendant had not posted required bond and without order from assigned judge; improperly dismissing citation after *ex parte* communication with defendant; improperly dismissing citation without concurrence of citing officer, after conducting his own investigation of facts, and after *ex parte* communications with defendant; and instructing Motor Transportation officers to not issue citations to truckers for overweight loads unless shipper was also cited, contrary to officers' training. Court rejected Commission's recommendation, referred judge to presiding district judge for assistance, and ordered parties to share costs equally.

In re Anthony Martinez, Taos County Probate Judge, No. 20,026 (N.M. 1991). Allegations included failing to keep regular office hours and missing official court appointments. Judge publicly reprimanded and ordered to pay Commission's costs.

In re Luis Martinez, San Miguel County Magistrate Judge, No. 20,160 (N.M. 1991). Allegations included drinking beer and having sexual intercourse with female defendant in defendant's home while judge still had jurisdiction over her and while conditions of defendant's release included refraining from alcoholic beverages. Judge suspended 120 days and ordered to pay Commission's costs.

In re Anthony Martinez, Taos County Probate Judge, No. 20,026 (N.M. 1992). Allegations included citation for driving while license revoked for one year following prior conviction for DWI; and admitting having open container of alcohol in a car "one or two times." Judge suspended without pay until costs paid, publicly censured, ordered to receive consultation and supervision from district judge for ninety days, and ordered to pay Commission's additional costs.

In re Milton J. Griego, Grants Municipal Judge, No. 21,177 (N.M. 1993). Allegations included resisting arrest and referring to his female companion as a "whore" in her presence and in presence of two State Police Officers who arrested him. Judge publicly reprimanded, suspended one month without pay, and ordered to pay Commission's costs.

In re Joe Cruz Castellano, Jr., First Judicial District Judge, No. 22,126 (N.M. 1995). Allegations included harassing and interfering with court administrator; holding court administrator in contempt and jailing her; refusing to obey legitimate directions of chief judge; working little for lengthy period of time; making inquiries about adoption proceedings involving a relative of chief judge that disclosed legally confidential information; improperly using prestige of office to solicit funds for non-profit organization; creating appearance of impropriety by conveying impression that donors would be in special position to influence judge's decisions; using non-profit organization and its funds to further personal interests; and creating appearance of bias and denied litigant right to be heard in civil matter. Temporarily suspended, removed and ordered to pay Commission's costs.

In re Benjamin B. Rios, Dona Ana County Magistrate Judge, No. 22,691 (N.M. 1995). Allegations included having electronic lock installed on courtroom door at State expense preventing public access; conferring privately with individuals to explain procedures, rights, and direct them to further steps in judicial process; distributing official judicial business cards with improper campaign message and appeal; failing to maintain appropriate office hours; being excessively absent, canceling numerous hearings without proper notice to parties; failing to set criminal matters for trial causing dismissal on six-month rule; and failing to directly control or monitor his calendar to prevent dismissal of criminal cases on six-

month rule. Judge resigned prior to proceeding before Supreme Court upon Commission's findings, conclusions, and recommendation.

In re Thomas A. Fiorina, Santa Fe Municipal Judge, No. 22,782 (N.M. 1995). Allegations included disposing of citations through amnesty program that reduced fines and required contribution of food items to court for subsequent donation to charity as condition of probation. Judge agreed to comply with Commission's recommendation to cease court's participation in program.

In re Richard T. Hoover, Roswell Municipal Judge, No. 23,416 (N.M. 1996). Allegations included pressuring court clerks to arrange dates for him and to arrange for women to ride on his motorcycle with him; taking clerk for motorcycle ride and driving 90 mph; asking two female defendants for dates while their cases were pending before him; inappropriately touching court clerk; instructing bailiff not to report overtime hours and failing to give him compensatory leave for overtime hours worked; insisting that defendants sign waiver of counsel form; threatening to hold defendants in contempt if they did not sign waiver of counsel forms; refusing to appoint attorneys for indigent defendants and stating that he would use those funds to renovate courtroom; making inappropriate remarks about a 13-year-old girl who appeared before him; calling female probation officer a "black bitch"; persistently stroking, rubbing and/or pulling at his crotch in front of female court staff and others; frequently "passing gas" in presence of court staff; using vulgar language and profanity in presence of court staff and litigants; knowingly riding motorcycle without obtaining proper motorcycle license endorsement; requesting police to file charges against parents of minors charged with curfew violations and presiding over such cases; witnessing altercation and later presiding over case; presiding over case in which his bailiff testified; requesting prior court records of defendants and imposing fines and punishment for offenses not contained in current charges against defendants; and exhibiting bias and hostility toward some of his former students who appeared before him. Judge removed and ordered to pay Commission's costs.

In re Thomas A. Fiorina, Santa Fe Municipal Judge, No. 22,782 (N.M. 1996). Allegations included failing to sign over 700 bench warrants concerning failures to appear; regularly being late for court; and allowing a litigant to meet with him privately in chambers to discuss citations issued to her, her family members, and her boyfriend. Supreme Court dismissed two counts, deferred ruling on two remaining counts until six months after a forthcoming order that was to set conditions for a six-month supervised probation. Judge required to file a proposed plan to monitor his conduct and behavior. Supreme Court would issue a final ruling on the substantive counts after completion of the probationary period. Commission's petition for permanent removal was denied. Judge filed proposed probationary plan, but lost his reelection bid while this matter was still pending before the Supreme Court.

In re Edward S. Cramer, Hidalgo County Magistrate Judge, No. 23,504 (N.M. 1997). Allegations included selling a defendant a firearm in violation of defendant's condition of release; acting as training officer and firearms instructor for law enforcement agencies; regularly carrying and listening to "walkie talkie" on sheriff department's frequency; maintaining police radio in his personal vehicle and maintaining contact with sheriff's department; maintaining law enforcement certifications; regularly carrying concealed loaded firearm; ordering police officer to leave a child at grandparents' residence when social services advised officer to release child to its natural mother, when no case was pending before the judge, and when judge's court had no jurisdiction over domestic relations matters; disposing of criminal case by taking plea to misdemeanor when a felony had been charged without consent of arresting officer or district attorney; and improperly taking plea and sentencing a defendant over telephone. Judge suspended sixty days without pay, placed on supervised ten-month probation, and ordered to pay Commission's costs.

In re Benjamin S. Eastburn, Eleventh Judicial District Judge, No. 24,301 (N.M. 1997). Allegations included failing to promptly and efficiently dispose of numerous matters, including motions and judgments; issuing his own rules for domestic relations matters; failing to follow the Rules of Civil Procedure in appeals from the magistrate court; using foul and inappropriate language in courthouse; calling Supreme Court Justices, Court of Appeals Judges, and other judges and attorneys derogatory names; and stating his intention to “wreck the system.” Judge resigned after Commission’s recommendation was filed and prior to Supreme Court proceedings. Court ordered judge to resign effective July 31, 1997 without prejudice to his retirement benefits.

In re Milton J. Griego, Cibola County Magistrate Judge, No. 21,177 (N.M. 1997). Allegations included criminal prosecution against the judge for DWI, resisting arrest, assault, battery, violation of Family Violence Protection Act order, bribery or intimidation of a witness, extortion, and stalking. Judge temporarily suspended, resigned prior to completion of Commission’s proceedings.

In re Michael E. Martinez, Second Judicial District Judge, No. 24,711 (N.M. 1997). Allegations included making inappropriate comments and jokes, including those of a sexual, sexist or anti-Semitic nature. Judge publicly censured, placed on six-month supervised probation, ordered to complete continuing judicial education, ordered to resign as presiding judge of Juvenile Division of the district court, ordered not to oppose rotation out of the Juvenile Division, and ordered to write letters of apology to offended parties.

In re Hon. William A. Hocker, Grants Municipal Judge, No. 25,146 (N.M. 1998). Allegations included three convictions for DWI; pending charges for careless driving and leaving the scene of an accident; and attempting to mislead the arresting police officer. Judge temporarily suspended without pay pending completion of criminal prosecution and Commission’s proceedings. Judge continued to act in judicial capacity while suspended, was found in contempt of suspension order, and was found to have been untruthful to Supreme Court during the contempt hearing. Judge removed from office and ordered to pay Commission’s costs.

Matter of Hon. John W. “Buddy” Sanchez, Valencia County Magistrate Judge, JSC Inquiry No. 99-16, Supreme Court Docket No. 25,821 (N.M. 1999). Allegations included agreeing to submit an Abstract of Record to the Motor Vehicle Division reporting the disposition of a DWI case differently from actual disposition; withholding a DWI abstract from MVD; and failing to impose the mandatory minimum sentence in a DWI case. Judge publicly censured, suspended two weeks without pay, ordered to participate in mentor program, placed on six-month unsupervised probation, and ordered to pay Commission’s costs.

Matter of Hon. Toribio L. (Tody) Perea, Valencia County Magistrate Judge, JSC Inquiry Nos. 98-65 & 99-06, Supreme Court Docket No. 25,822 (N.M. 1999). Allegations included delaying the signing and filing of judgment and sentence orders in three DWI cases (including one where defendant was a municipal judge); failing to impose mandatory minimum sentences in two DWI cases; failing to submit Abstracts of Record to MVD within the time required by law in three DWI cases, and one careless driving case (in which defendant was a district judge); and having *ex parte* communications pertaining to the disposition of DWI case. Judge publicly censured, suspended two weeks without pay, placed on six-month unsupervised probation, and ordered to pay Commission’s costs.

Matter of Hon. Angie Vigil-Perez, Santa Fe County Magistrate Judge, JSC Inquiry Nos. 99-15 & 99-70, Supreme Court Docket No. 26,028 (N.M. 2000). Allegations included 121 initial counts summarized as

follows: presiding over and improperly dismissing nephew's case; failing to recuse from a DWI case for a political/personal friend and failing to adjudicate matter prior to the expiration of the six-month rule; dismissing case previously adjudicated by another judge and improperly amending or instructing staff to amend Abstracts of Record for submission to the MVD; frequently discussing or boasting about drinking alcoholic beverages, getting drunk, nightclubbing, partying, or being hung over with court staff, within hearing of the public; having odor of liquor on breath at court; leaving court training conference with another magistrate, drinking liquor, and returning to conference while appearing intoxicated and while having the odor of liquor on breath; asking clerk for condoms in front of court staff and the public; using profanity and foul language in front of court staff and the public; making racist or ethnically biased comments about court employees; failing to adjudicate at least 27 criminal cases prior to expiration of six-month rule, including six aggravated DWI cases, two DWI cases, three battery/domestic violence cases, one drug offense, and others; improperly dismissing at least 44 criminal cases, including one DWI case, one battery/domestic violence case, one drug offense, one minor in possession of alcohol case, and others; dismissing at least 20 criminal cases assigned to other judges; holding or being in possession of at least two criminal cases not assigned to her, which caused/led to dismissal on expiration of six-month rule; failing to hold office hours a minimum of 40 hours per week; failing to perform adjudicate matters promptly and efficiently, causing excessively high number of dismissals on six-month rule; excessively recusing from cases to reduce her civil caseload; improper demeanor with at least one defendant; improper demeanor with at least two law enforcement officers; countermanding the request or order of presiding judge; exhibiting pattern of improper demeanor with or concerning presiding judge, including criticizing, ridiculing, profaning, name-calling, and commenting in front of other judge(s), court staff, defendant(s), and the public; exhibiting pattern of improper demeanor with or concerning numerous court staff, including mistreating, criticizing, publicly reprimanding, yelling, demeaning, ridiculing, picking on, using sarcasm, embarrassing, threatening, or gossiping in presence of other staff and public. Judge temporarily suspended without pay pending completion of Commission's proceedings. Judge resigned prior to completion of proceedings before Commission. Commission abated proceedings and filed Motion to Dismiss without Prejudice, indicating intent to resume proceedings if judge ever regained a judicial position in the future. Supreme Court dismissed cause without prejudice.

Matter of Hon. Beatrice R. Vigil, Taos County Probate Judge, JSC Inquiry No. 99-04, Supreme Court Docket No. 26,328 (N.M. 2000). Allegations included failing to timely file gross receipts tax reports, to timely pay gross receipts taxes, to timely file personal income tax returns, to timely pay income tax due, using court facilities for private business activities, failing to timely pay private business photocopy charges to County, and failing to cooperate with Commission. Judge suspended two weeks without pay, publicly reprimanded, and placed on six-month supervised probation. Judge ordered to pay outstanding tax liabilities to State, to pay outstanding photocopy bill liabilities to county, and to cease all non-judicial use of court facilities and equipment. Judge failed to comply with Supreme Court order. On show cause order, Court ordered judge's supervised probation would continue until May 31, 2001 on specific terms and conditions. Judge again failed to comply with Supreme Court's order and second order to show cause issued. Judge resigned from judicial office two days before Supreme Court hearing.

Matter of Hon. John W. "Buddy" Sanchez, Valencia County Magistrate Judge, JSC Inquiry No. 2000-32, Supreme Court Docket No. 25,821 (N.M. 2001). Original allegations included asking and/or pressuring a State Police officer to not prosecute or arrest a close friend for aggravated DWI; releasing friend from jail to judge's custody and taking friend to judge's home; having odor of alcohol on breath while at jail releasing friend; attempting to interfere in an ongoing police investigation; and retaliating against a State Police lieutenant for filing complaint with Commission regarding matter. Supreme Court rejected

petition for judge's temporary suspension. On plea and stipulation with Commission, judge admitted involving himself in friend's pending criminal case (including (1) speaking with the arresting State Police officer by cellular telephone during the traffic stop/arrest; (2) personally going to detention center and ordering his friend's release, and taking friend to judge's home; (3) asking nurse to draw independent blood sample from friend; and (4) having an alcoholic drink before going to the jail to release friend). Judge publicly reprimanded and ordered to participate in mentorship.

Matter of Hon. Archie A. Valdez, Colfax County Magistrate Judge, JSC Inquiry No. 2000-42, Supreme Court Docket No. 26,551 (N.M. 2001). Allegations included grand jury indictment for thirteen criminal counts, including six counts of battery, two counts of criminal sexual contact, one count of stalking, two counts of demanding or receiving bribe, and two counts of criminal solicitation to commit felony. Acts alleged to have occurred in judge's chambers with female litigants, defendants, or family members or friends of litigants/defendants. On stipulation, judge temporarily suspended. On subsequent plea agreement, judge permanently resigned from judicial office.

Matter of Hon. Frederick Arnold, Portales Municipal Judge, JSC Inquiry No. 99-101, Supreme Court Docket No. 26,645 (N.M. 2001). Allegations included having *ex parte* communications with police officers concerning defendants' out-of-court demeanor, attitude or behavior with officers. Communications included officers' drawing "smiling" and "frowning" faces on traffic citations. Judge publicly reprimanded and ordered to participate in mentorship program.

Matter of Hon. Beatrice R. Vigil, Taos County Probate Judge, JSC Inquiry No. 2000-53, Supreme Court Docket No. 26,328 (N.M. 2001). Allegations included intentionally issuing three worthless checks. Judge publicly reprimanded and ordered to continue supervised probation that was previously ordered in Inquiry No. 99-04. Prior to completing supervised probation period, judge resigned from judicial office.

Matter of Hon. Barbara A. Brown, Bernalillo County Metropolitan Court, JSC Inquiry Nos. 2001-88, 2001-93 & 2001-95, Supreme Court Docket No. 27,250 (2002). Allegations included criminal charges for disorderly conduct, propulsion of missiles, assault, and use of telephone to terrify, intimidate, threaten, harass, annoy or offend; using prestige of judicial office to advance private interests; publicly commenting on and criticizing police department's "Party Patrol" unit and citations; threatening and abusing court staff, and encouraging, promoting, or otherwise enabling friend to threaten or intimidate court staff with physical violence; conveying or allowing friend to convey impressions that friend is in special position to influence judge and that friend benefits from power and prestige of judge's office; allowing friend to use judge's home and cellular telephones to make harassing telephone calls, and during one call, judge identifying herself as "Judge Barbara Brown" and attempting to speak to victim of call; acting as an arbitrator or mediator in private capacity and engaging in practice of law; using prestige of judicial office to advance friend's private interests in domestic violence matter and conveying or allowing friend to convey impression that friend is in special position to influence the judge or another judge. Judge immediately suspended with pay. At subsequent hearing, temporary suspension continued with 90 days pay and thereafter without pay. During formal proceedings, judge stipulated to permanent resignation from judicial office. Judge resigned.

Matter of Hon. Thomas G. Cornish, Third Judicial District Court, JSC Inquiry No. 2001-96, Supreme Court Docket No. 27,253 (2002). Allegations included conviction for DWI and driving with no headlamps. Upon stipulation, judge summarily and temporarily suspended with pay not to exceed 90 days, and thereafter without pay. Upon further stipulation, judge publicly reprimanded and ordered to complete alcohol

counseling and in-patient alcohol rehabilitation program. Supreme Court ordered judge to remain suspended from judicial office without pay. On stipulation, judge permanently resigned.

Matter of Hon. William A. Vincent, Jr., San Juan County Magistrate Court, JSC Inquiry Nos. 2001-30, 2001-31, 2001-32, 2001-34, 2001-35 & 2001-36, Supreme Court Docket No. 27,266 (2002). Allegations included making age and gender biased references to female attorneys; threatening public defender's office and its employees; abusing judicial process, failing to recuse, and exhibiting bias or prejudice during arraignment; after recusing from case, physically and verbally interjecting himself into hearing and testifying against defense motion; telephoning legislators while on bench to support or oppose pending legislation and discussing political views on various subjects; referring to female judge (a colleague) in derogatory, gender-biased manner; criticizing female attorney from public defender's office concerning nature of employment and inappropriately comparing her to other attorney; illegally and verbally modifying *ex parte* a judgment and other order after defense filed notice of appeal from ruling. Judge publicly reprimanded, ordered to participate in mentorship program, and ordered to attend (at own expense) a national judicial education course in building a bias-free environment in court.

Matter of Hon. Charles Maestas, Española Municipal Court, JSC Inquiry No. 2001-09, Supreme Court Docket No. 27,348 (2002). Allegations included soliciting favored treatment from police officers for judge's friend. On stipulation, judge suspended two days without pay, publicly reprimanded, and ordered to attend (at own expense) a national judicial ethics course. Supreme Court took final disposition under advisement pending completion of criminal prosecution and Commission proceedings on another matter (Inquiry No. 2002-40 reported below). After conviction and upon incarceration, judge resigned.

Matter of Hon. George A. Harrison, Eleventh Judicial District Court, JSC Inquiry Nos. 2000-39, 2001-48, 2001-53, 2001-55, 2001-58 & 2001-74, Supreme Court Docket No. 27,380 (2002). Allegations included asking municipal judge and police chief to dismiss friend's Aggravated DWI case; interfering in criminal investigation and ordering police to perform blood alcohol testing on friend after friend had refused; calling detention center and ordering friend's release on own recognizance when not assigned or designated to preside over case; having improper financial relationship with attorney who regularly appears before judge's court; drinking alcohol with criminal defendant scheduled to be sentenced by judge on next day; taking plea in chambers after consuming alcoholic beverages while playing golf; and attempting to coerce detention center personnel to release friend partially on bail and partially on own recognizance when friend's case was not assigned to judge's court. Supreme Court denied Commission's petition to temporarily suspend judge. During formal proceedings, judge stipulated to permanent resignation from judicial office. Judge resigned.

Matter of Hon. Anthony Fuller, Bosque Farms Municipal Court, JSC Inquiry No. 2002-07, Supreme Court Docket No. 27,431 (2002). Allegations included failing to perform judicial duties for several months while accepting judicial salary. Temporarily suspended without pay. Judge resigned.

Matter of Hon. Rhoda A. Hunt, McKinley County Magistrate Court, JSC Inquiry Nos. 2002-24 & 2002-32, Supreme Court Docket No. 27,525 (2002). Allegations included criminal charges for making false public records and fraud, and non-criminal allegation of ignoring or concealing a notice of dismissal in traffic case. Supreme Court denied Commission's temporary suspension petition. At preliminary hearing on criminal charges, trial court determined charges not supported and dismissed them. Following dismissal of criminal charges, Commission dismissed all allegations of inquiry and closed matter.

Matter of Hon. Charles E. Maestas, Española Municipal Court, JSC Inquiry No. 2002-40, Supreme Court Docket No. 27,348 (2002). Allegations included grand jury indictment and prosecution for eight counts of criminal sexual penetration, two counts of criminal sexual contact, nine counts of extortion, eight counts of official acts prohibited, and one count of stalking. Allegations concerned judge promising or exchanging leniency for sexual favors from defendants. On stipulation, judge temporarily suspended. Supreme Court ordered the suspension with 90 days pay, and thereafter no pay. Judge convicted of five felony counts of Official Acts Prohibited and five felony counts of Criminal Sexual Penetration. Judge resigned while incarcerated.

Matter of Hon. Edward L. Brown, Cimarron Municipal Court, JSC Inquiry No. 2002-21, Supreme Court Docket No. 27,577 (2002). Allegations included making false and misleading statements regarding educational background, military experience, and work history during campaign for judicial office. Temporary suspension petition filed. On stipulation, judge permanently resigned.

Matter of Hon. Frances Gallegos, Santa Fe Municipal Court, JSC Inquiry No. 2002-80, Supreme Court Docket No. 27,906 (2003); JSC Inquiry No. 2002-80. Allegations included failing to reside within city limit (a qualification to hold the judicial office). On stipulation, publicly reprimanded, ordered to reimburse complainant for private investigator fees, and ordered to reside within city limits while holding office as municipal judge. See also JSC Inquiry Nos. 2003-58, 2003-89 & 2003-108 below for related information.

Matter of Hon. Susana Chaparro, Doña Ana County Magistrate Court, JSC Inquiry Nos. 2002-26 & 2002-43, Supreme Court Docket No. 27,923 (2003). Allegations included becoming embroiled in controversy with court interpreters; failing to be patient, dignified, and courteous with interpreters, another judge, and the court clerk; issuing warrant and having interpreter arrested on contempt charge relating to interpreting services; and having *ex parte* communication with the judge who was presiding over a pending writ case. On stipulation, publicly reprimanded, ordered to participate in mentorship program, and ordered to attend (at own expense) a national judicial ethics course. See also JSC Inquiry No. 2003-82 below for related information.

Matter of Hon. Rudy C. Montoya, Mora County Magistrate Court, JSC Inquiry Nos. 2002-62, 2002-76, 2002-83, 2003-11 & 2003-81, Supreme Court Docket No. 27,988 (2003). Allegations included adjudicating cases for close family and friends, releasing two criminal defendants without bond in contravention to terms of and without amending conditions of prior release order, and lying to rape victim about fact and terms of defendants' release. On preliminary stipulation, temporarily suspended with 90 days pay, and thereafter with no pay. Judge ultimately stipulated to resign permanently from judicial office.

Matter of Hon. David J. Ramos, Jr., Hurley Municipal Court, JSC Inquiry No. 2003-76, Supreme Court Docket No. 28,327 (2004). Allegations included arrest on charge of DWI. On stipulation, temporarily suspended with 90 days pay, thereafter without pay. Judge pleaded guilty and was convicted of DWI First Offense. Resigned from judicial office.

Matter of Hon. William A. Vincent, Jr., San Juan County Magistrate Court, JSC Inquiry No. 2003-99, Supreme Court Docket No. 27,266 (2004). Allegations included display of inappropriate behavior after declaring mistrial and recusing from domestic violence case; offensive and inappropriate statements; yelling at, berating, confronting, threatening, and challenging the defendant to fight; and challenging defense counsel to report to the Commission, which he referred to as "pussies." Supreme Court denied

Commission's petition for temporary suspension. On stipulation, judge ordered to undergo psychological evaluation/fitness for duty evaluation and anger management counseling; received public censure, and complete six-month supervised probation.

Matter of Hon. Reuben Galvan, Doña Ana County Magistrate Court, JSC Inquiry No. 2003-48, Supreme Court Docket No. 28,609 (2004). Allegations included engaging in a clandestine relationship with prosecutor and failing to recuse from cases where she appeared before him; and improper demeanor with prosecutor after their clandestine relationship ended. Judge disciplined (30-day suspension without pay and in-person formal reprimand). Imposition of suspension was suspended on conditions: (1) that judge complete six months of supervised probation and (2) that his salary would be summarily suspended if the Commission initiated formal proceedings against him in any other matter. Formal proceedings were later initiated in Inquiry No. 2004-99, which concerned criminal investigation, indictment, and proceedings on allegations of felony criminal sexual penetration and solicitation of bribery. Upon notice and motion by the Commission, Supreme Court summarily suspended judge's salary until criminal matters and Commission proceedings in Inquiry No. 2004-99 terminated. Judge resigned during period of temporary suspension.

Matter of Hon. Jesus Gonzales, Taos County Probate Court, JSC Inquiry No. 2004-53, Supreme Court Docket No. 28,658 (2004). Allegations included court determination that judge was legally incompetent to stand trial on criminal charges arising from a motorcycle crash allegedly caused while judge was driving while intoxicated. Commission petitioned for immediate temporary suspension based on questions of mental incompetency. Judge stipulated to temporary suspension, but resigned from judicial office prior to Supreme Court ruling on petition and stipulation.

Matter of Hon. W. John Brennan, Second Judicial District Court, JSC Inquiry No. 2004-60, Supreme Court Docket No. 28,713 (2004). Allegations included arrest on charges of felony possession of a controlled substance (cocaine) and tampering with evidence. Commission petitioned for temporary suspension. Supreme Court issued show cause order and scheduled hearing. Judge retired from judicial office prior to hearing and Supreme Court dismissed Commission petition as moot. Retired judge was subsequently charged with aggravated DWI, pleaded guilty to aggravated DWI and possession of cocaine, and sentenced on aggravated DWI charge to 90 days incarceration (88 days suspended and 2 days electronic monitoring) and 364 days of probation. Drug possession charge conditionally discharged pending successful completion of sentencing conditions.

Matter of Hon. Melissa Miller-Byrnes, Las Cruces Municipal Court, JSC Inquiry No. 2003-92, Supreme Court Docket No. 28,716 (2004). Allegations included making false or misleading statements during radio broadcast debate that no judicial disciplinary complaints had been filed against her with Judicial Standards Commission. On stipulation, Supreme Court formally reprimanded judge.

Matter of Hon. Reuben Galvan, Doña Ana County Magistrate Court, JSC Inquiry No. 2004-99, Supreme Court Docket No. 28,609 (2004). Allegations included criminal investigation (and subsequent grand jury indictment) for felony criminal sexual penetration and solicitation of bribery. Temporarily suspended with pay until formal charges issued and until Commission's proceedings completed. Formal charges issued and salary suspended. Judge resigned while on period of temporary suspension.

Matter of Hon. Frank W. Gentry, Bernalillo County Metropolitan Court, JSC Inquiry No. 2004-46, Supreme Court Docket No. 28,986 (2005). Allegations included use of judicial position to advance private interests; *ex parte* communication; and involvement, interference, and attempt to influence child

placement in nephew's domestic relations case. Judge received one-week suspension without pay (deferred on completion of six months unsupervised probation and no other formal proceedings initiated against him) and formal reprimand.

Matter of Hon. James D. Atcitty, San Juan County Magistrate Court, JSC Inquiry Nos. 2003-35, 2003-38 & 2003-57, Supreme Court Docket No. 29,076 (2005). Allegations included inability to conduct fair hearings because of profound hearing loss in both ears and profound impairment of speech determination; and failing to follow substantive and procedural law while presiding over cases. Commission ordered independent medical examination, which concluded that judge is temporarily unfit to continue working as a Magistrate. Commission petitioned for judge's temporary suspension. Supreme Court denied petition on following conditions: (1) take paid medical leave as soon as practicable for up to 90 days to remedy medical condition, (2) report to AOC Magistrate Division and Commission concerning remediation and ability to return to job, and (3) if judge does not seek appropriate medical remediation in a timely manner, or if medical treatment should prove unsuccessful, Commission may re-file for appropriate relief. The only remediation respondent completed was to purchase new hearing aids. The Court later extended Respondent's leave until further order. Judge underwent a second independent medical evaluation. Another order was later issued to extend the leave but terminate his salary after six additional weeks. Thereafter judge was on leave without pay until final resolution of case. The matter was ultimately tried on the merits in August 2006. On recommendation from the Commission, judge was involuntarily retired and ordered to pay over \$7,200.00 in costs.

Matter of Hon. Thomas G. Fitch, Seventh Judicial District Court, JSC Inquiry Nos. 2005-010 & 2005-015, Supreme Court Docket No. 29,082 (2005). Allegations included that while on official court business, while acting as Chief Judge for his District Court, and while driving a State vehicle en route to Santa Fe to testify at legislative budget hearings, Respondent arrested and charged with aggravated DWI (first offense), careless driving, and open container. After trial (on stipulated factual findings and legal conclusions), Commission found willful misconduct and recommended permanent removal and costs. Upon further stipulation, judge permanently resigned and ordered to pay Commission costs.

Matter of Hon. Larry E. Wood, Eddy County Magistrate Court, JSC Inquiry Nos. 2003-73 & 2003-95, Supreme Court Docket No. 29,085 (2005). Allegations included knowingly failing to follow and/or apply the law when incarcerating citizens for failure to pay fines. Judge only credited inmates with \$5.00 per day of time served toward payment of fines and fees, rather than the greater amount required by statute. Supreme Court rejected initial stipulation with judge, but approved second. Judge permanently resigned and received formal reprimand.

Matter of Hon. Frances Gallegos, Santa Fe Municipal Court, JSC Inquiry Nos. 2003-58, 2003-89 & 2003-108, Supreme Court Docket No. 27,906 (2005). Allegations included ordering defendants to attend a specific driving safety course, contrary to statute, for which the paid course instructor was the judge's court administrator; allowing court administrator (acting in court administrator's personal for-profit business interests) to use the property and facilities of the judge's court for the administrator's driving safety course; allowing court administrator to teach driving safety courses for profit while administrator is employed by the court. Judge's acts occurred prior to and during time she negotiated stipulation agreement with Commission in Inquiry No. 2002-80 and when she became subject to Supreme Court's disciplinary order. Judge ceased and agreed to desist from newly stated conduct. Judge suspended 30 days without pay (deferred on conditions: formal mentorship in judicial ethics and court administration, and complete "Ethics for Judges" course at National Judicial College on own time and at own expense).

Matter of Hon. Susana Chaparro, Doña Ana County Magistrate Court, JSC Inquiry No. 2003-82, Supreme Court Docket No. 27,923 (2005). Allegations included improper involvement in and interference with adjudication of a matter involving her son, thereby giving the appearance that she was trying to influence the outcome of her son's case and compromising the integrity, independence and impartiality of the judiciary. After trial, Commission found that judge's conduct constituted willful misconduct in office and recommended a sixty-day suspension deferred on the condition that judge successfully complete one year of supervised probation, a formal public reprimand by the Supreme Court and assessment of the Commission's costs. Supreme Court imposed greater discipline than recommended by Commission and suspended Respondent without pay for two weeks, along with a year of supervised probation, a formal reprimand, and assessed \$5,000.00 in costs.

Matter of Hon. Tony F. Martinez (Retired), Rio Arriba County Magistrate Court (*Pro Tem*), JSC Inquiry No. 2004-127, Supreme Court Docket No. 29,180 (2005). Allegations included permitting and engaging in *ex parte* communications with defendant's mother; allowing defendant's mother to negotiate plea agreement; failing to notify defendant of court hearings; failing to conduct arraignment; failing to advise defendant of constitutional rights; failing to appoint legal counsel for defendant; holding court proceedings in defendant's absence; and signing judgment and sentence order that falsely stated that the defendant appeared *pro se*, pleaded no contest/guilty, and was sentenced (when in fact defendant was incarcerated and did none of the foregoing). On stipulation, judge publicly reprimanded, ordered to pay \$500.00 fine, and permanently resigned from judicial office.

Matter of Hon. Javier Lozano, Columbus Municipal Court, JSC Inquiry No. 2004-067, Supreme Court Docket No. 29,264, (2005). Allegations included having business relationship concerning J-Loz Auction Service, which had contract with Village of Columbus to auction impounded vehicles for 17% commission fee; receiving compensation for work with J-Loz Auction Service paid from profits of the auctions; and having jurisdiction to order the forfeiture or release of the impounded vehicles. On stipulation, judge ordered to never again maintain employment, have business relationships, or engage in other financial dealings that could be affected by proceedings that could come before him that may reasonably be perceived to exploit his judicial position or that involve frequent transactions or continuing business relationships with persons likely to come before the judge. Judge also reprimanded and ordered to pay \$500.00 fine and be on supervised probation for duration of current term.

Matter of Hon. William A. McBee, Fifth Judicial District Court, JSC Inquiry No. 2004-011, Supreme Court Docket No. 29,265 (2005). Allegations included failing to recuse from criminal case after personally and verbally acknowledging that he should recuse because he could not be impartial in the adjudication and because his impartiality had been compromised because of his personal relationship with the defendant's attorney, boyfriend, and husband. Judge reprimanded and ordered to recuse from the case and all other matters involving the defendant or her attorney/boyfriend. Judge was also ordered to disclose his attorney-client relationship in this disciplinary matter to all parties appearing before him where his attorney will appear. Further ordered to pay \$1,000.00 fine, \$2,500.00 in costs, suspended seven days without pay, and suspended additional thirty days (deferred for one year supervised probation with conditions).

Matter of Hon. Erminio Martinez, Taos County Magistrate Court, JSC Inquiry No. 2005-024, Supreme Court Docket No. 29,309 (2005). Allegations included that during the months of January, February, and March 2005, Respondent, while employed as a full-time magistrate judge for Taos County, also served as a tribal judge for Taos Pueblo Tribal Court, and was paid \$840.00 for 28 hours (3.5 days) of services rendered to Taos Pueblo as Tribal Court Judge Pro Tempore, during hours in which he was being paid by

the State of New Mexico to serve as a Taos County Magistrate Judge. On stipulation, judge publicly reprimanded, ordered to pay an \$840.00 fine, and placed on a 3.5-day suspension without pay.

Matter of Hon. Charles Barnhart, Bernalillo County Metropolitan Court, JSC Inquiry Nos. 2004-126 & 2005-059, Supreme Court Docket No. 29,379 (2005). Allegations included violating courthouse security policies, threatening security officer's job, harassing and challenging security personnel about established policies; engaging in pattern of hostile behavior and routinely using offensive language toward court security personnel; abusive behavior toward court employees, tossing objects at staff, yelling, pounding fist on desk, and asserting that only he could communicate with his trial court administrative assistant ("TCAA") pertaining to court business; disregarding court policy on how traffic arraignments were to be handled; violating court rules and agreements with colleagues, causing increased workload for the other judges; permitting his TCAA to behave in an unprofessional manner; condoning and assisting TCAA in violating court policies; failing to prohibit TCAA from being rude to court employees; and incessantly complaining about the chief judge, presiding criminal judge, court administration, and court policies; disregarding state law and court policy by waiving *a priori* supervised probation costs for all criminal cases where such costs were statutorily imposed; engaging in pattern and practice of improperly disqualifying from traffic cases to avoid additional work for himself and his TCAA; and during Commission inquiry failing to adhere to almost all provisions of the Commission's orders and directives, failing to appear for noticed hearings, and failing to appear for his own properly noticed and subpoenaed deposition. On stipulation, Supreme Court ordered judge to submit letter of retirement, pay \$1,000.00 fine, and formal reprimand.

Matter of Hon. Frances Gallegos, Santa Fe Municipal Court, JSC Inquiry No. 2005-019, Supreme Court Docket No. 27,906 (2005). Allegations included failing to conduct constitutionally proper arraignments (only informed defendants of options to plead guilty or no contest, but did not inform of right to plead not guilty); conducted flawed arraignment and a summary trial against a *pro se* defendant, ignoring defendant's requests for an attorney, not allowing presentation of evidence on a charge, and imposing summary sentence; implemented an established policy of sentencing all DWI offenders to a specific six-month aftercare program, regardless of the results of the defendant's screening results; and conducted a summary trial against a *pro se* defendant in two animal ordinance cases, summarily imposing a sentence for a failure to appear charge where defendant had not been arraigned, had no noticed hearing on the charge, and had no reasonable opportunity to defend against the charge. Supreme Court temporarily suspended judge for 90 days with pay. Commission noticed a trial on the merits, judge resigned prior to trial, trial conducted as noticed, but judge failed to appear. Commission filed recommendation for permanent removal from judicial office and record. Supreme Court denied petition, sealed and ordered return to Commission of record proper.

Matter of Hon. Frances Gallegos, Santa Fe Municipal Court, JSC Inquiry No. 2005-076, Supreme Court Docket No. 27,906 (2005). Allegations included failure to prepare and forward to the Department of Motor Vehicles accurate and complete abstracts of record for traffic matters, in violation of NMSA 1978, §66-8-135; attributed failure to clerical error; and began amending all DWI matters she adjudicated in an attempt to enhance falsely her standing with the public (substantively amended records to show increased sentences than were contained on her judgment and sentence orders); failed to maintain professional competence in judicial administration; failed to inform and require court staff to observe standard of fidelity and diligence that applied to performance of her legal and judicial duties; and failed to train, supervise and manage staff regarding abstracts of record. Commission petitioned for immediate temporary suspension and presented oral argument. Supreme Court ordered petition held in abeyance.

Judge later resigned and Commission abated case unless or until judge returned to a judicial position in the future.

Matter of Hon. Hector Pineda, Roswell Municipal Court, JSC Inquiry No. 2005-025, Supreme Court Docket No. 29,479 (2005). Allegations included displaying improper demeanor during a criminal trial toward a *pro se* defendant. Judge became agitated with and yelled at a *pro se* defendant, stood up from chair and hit gavel on bench so hard it caused debris to scatter across courtroom, which hit prosecuting police officer and defendant. On stipulation, judge reprimanded, paid \$500.00 fine, completed six-month supervised probation, and completed formal mentorship in judicial demeanor, temperament, and responsibilities under the Code of Judicial Conduct.

Matter of Hon. Melissa Miller-Byrnes, Las Cruces Municipal Court, JSC Inquiry Nos. 2004-072 & 2004-077, Supreme Court Docket No. 28,716 (2006). Allegations included that Respondent and her fellow judge, Hon. James Locatelli, sent an improper memorandum/letter to the Mayor, City Manager, and all City Councilors, addressing accusations of improper management and conduct of the Police Department and City Attorney's Office, thereby compromising the independence and impartiality of the Las Cruces Municipal Court. Additionally, on June 13, 2004, judge granted an interview with a reporter, wherein judge made improper public comments about an Assistant City Attorney and the City Manager. Commission found that judge engaged in conduct or language calculated to erode public confidence, and compromised the integrity, independence, and impartiality of the judiciary and constituted willful misconduct in office, recommended that judge receive a formal public reprimand by the Supreme Court, a thirty-day suspension without pay, and an assessment of 25% of costs incurred in the matter. The Supreme Court found that judge's verbal remarks to a reporter were inconsistent with the Code of Judicial Conduct Rule 21-300(B)(4) NMRA, requiring that a judge be "patient, dignified and courteous" towards litigants, lawyers, and others when acting in an official capacity. The Court further directed that this order shall be made part of judge's permanent records including her record with the Judicial Standards Commission.

Matter of Hon. James Locatelli, Las Cruces Municipal Court, JSC Inquiry Nos. 2004-073 & 2004-081, Supreme Court Docket No. 29,508 (2006). Allegations included that Respondent and his fellow judge, Hon. Melissa Miller-Byrnes, sent an improper memorandum/letter to the Mayor, City Manager, and all City Councilors, addressing accusations of improper management and conduct of the Police Department and City Attorney's Office, thereby compromising the independence and impartiality of the Las Cruces Municipal Court. Additionally, judge wrote a letter to the editor for publication in the local newspaper, which addressed continued accusations of mismanagement and misconduct of the police department and City Attorney's Office. Commission found that judge engaged in conduct or language calculated to erode public confidence, and compromised the integrity, independence, and impartiality of the judiciary and constituted willful misconduct in office. Commission recommended that judge receive a formal public reprimand by the Supreme Court, a \$500.00 fine, a twelve-month formal mentorship, and an assessment of 25% of costs incurred in the matter. The Supreme Court denied the Commission's requested relief for failure to prove willful misconduct by clear and convincing evidence.

Matter of Hon. Florencio "Larry" Ramirez, Third Judicial District Court, JSC Inquiry Nos. 2004-097 & 2005-005, Supreme Court Docket No. 29,552 (2005). Allegations included improper involvement in incident where his son and friends were being cited by city police officers for drinking alcohol at a park, identifying himself to officers, showing court identification card and driver's license without being requested; collecting citations after issuance; improperly involving himself in and using his volunteer bailiff to assist son and friends in responding to the cases at the Las Cruces Municipal Court; calling and

leaving a message for the judge presiding on some of the cases that he was sending his son and some of his friends in to the court to change their pleas on a specific date; and in an unrelated matter, displaying improper demeanor toward a defense attorney at a proceeding, preventing her from making her full objections for the record and admonishing her in front of her client. On stipulation, Supreme Court formally reprimanded judge, and ordered him to complete six months of supervised probation and formal mentorship, complete a national ethics course at his own expense, and reimburse the Commission for costs of \$1,500.00. While on probation, a new matter arose for which the Commission petitioned for temporary suspension, which the Court granted. Judge resigned and the Commission abated proceedings.

Matter of Hon. Rhoda Hunt, McKinley County Magistrate Court, JSC Inquiry No. 2005-113, Supreme Court Docket No. 27,535 (2005). Allegations included a criminal investigation by the FBI into possible felony criminal violations by judge and other acts that may constitute willful misconduct in office. Commission petitioned for temporary suspension. On day of scheduled argument before the Supreme Court, judge stipulated with Commission to resign permanently from judicial office. That same day, the Supreme Court issued an order quashing its show cause order, vacating the hearing, and granting the parties' motion to accept judge's permanent resignation from judicial office and to dismiss without prejudice.

Matter of Hon. Linda G. Padilla, Gallup Municipal Court, JSC Inquiry No. 2005-114, Supreme Court docket No. 29,558 (2005). Allegations included throwing away traffic citations and providing preferential treatment for a specified group of individuals and their families. Commission petitioned for immediate temporary suspension. After oral argument, Supreme Court denied the Commission's petition.

Matter of Hon. Susana Chaparro, Doña Ana County Magistrate Court, JSC Inquiry Nos. 2004-074 & 2005-005, Supreme Court Supreme Court Docket No. 27,923 (2006). Allegations included improperly retaliated against, harassed, interfered with, intimidated, and prohibited work of duly authorized contract language interpreter. Additionally, and in demonstration of judge's ongoing harassment and dissatisfaction with the interpreter because of the interpreter's confrontation with judge's sister, judge began routinely to conduct court proceedings in the Spanish language in order to bypass the official court interpreter(s), inappropriately and improperly assuming that function. After being instructed by the court consulting judge to discontinue the harassment and improper treatment of the interpreter, including instructing the interpreter and/or other interpreters to use consecutive instead of simultaneous translation, and to discontinue conducting court proceedings in Spanish, judge continued to routinely conduct court proceedings in Spanish. Supreme Court granted the Commission's *Petition to Accept Stipulation to Permanent Resignation from Judicial Office*.

Matter of Hon. Florencio "Larry" Ramirez, Third Judicial District Court, JSC Inquiry No. 2006-038, Supreme Court Supreme Court Docket No. 29,552 (2006). Judge tendered his resignation to the Supreme Court on June 1, 2006. In February 2007, the Commission abated proceedings in this matter.

Matter of Hon. Carlos Garza, Doña Ana County Magistrate Court, JSC Inquiry No. 2005-003, Supreme Court Docket No. 29,764 (2006). Allegations included improper involvement and interference with the adjudication of a criminal case, in which he had a personal relationship with the defendant. Judge permitted and engaged in *ex parte* communications about the case with the successive presiding judges in the case. On stipulation, judge publicly reprimanded, ordered to complete six months of supervised probation and a formal mentorship concerning the obligations and restrictions imposed by the Code of Judicial Conduct, and directed to pay \$600.00 in costs.

Matter of Hon. Charles McClain, Dexter Municipal Court, JSC Inquiry No. 2004-113, Supreme Court Supreme Court Docket No. 29,767 (2006). Allegations included improperly failing to recuse from three municipal court cases, summarily trying the three named individuals, and demonstrating a critical lack of understanding of due process, court procedures, the law, and limits of jurisdiction. The Commission recommended that the Supreme Court impose the following discipline on judge: (1) formal reprimand; (2) \$250.00 fine; (3) one-year supervised probation and formal mentorship in constitutional due process, proper court procedures, direct and indirect contempt, limits of municipal court jurisdiction, and the Code of Judicial Conduct; (4) refund/pay witnesses for fines and fees paid, and compensate for community service; (5) expungement of defendants' cases from the Dexter Municipal Court records; and lastly, (6) assessment of the Commission's costs and expenses. The Supreme Court issued its disciplinary order imposing the following discipline against judge: (1) pay one of the named defendants \$123.60 (monetary value of community service performed); (2) expunge the respective contempt/false testimony cases from court records concerning the three individuals; and lastly, (3) take a course in constitutional law as related to due process rights of an accused and specifically contempt versus perjury. In the event no such course was available, the Court accepted the offer from judge's attorney (a former district court judge) to provide the instruction. All other recommended discipline was denied.

Matter of Hon. Stephen K. Quinn, Ninth Judicial District Court, JSC Inquiry No. 2005-006, Supreme Court Docket No. 29,765 (2006). Allegations included the judge had excessively delayed in issuing decision, judgments, rulings, orders, or otherwise resolving cases on his docket. After hearing closing arguments and disciplinary recommendations based on stipulated facts, Commission decided to recommend that the Supreme Court impose the following discipline: formal reprimand, one-year supervised probation, and reimburse the Commission's costs. The Supreme Court imposed only the recommended supervised probation and assessment of the Commission's costs and expenses.

Matter of Hon. John W. Pope, Thirteenth Judicial District Court, JSC Inquiry No. 2004-046, Supreme Court Docket No. 29,778 (2006). Allegations included failing to perform judicial duties, failing to notify the Chief Judge or Court Administrator of his extended absence, leaving a criminal jury trial unfinished prior to the defense concluding its case (ultimately resulting in substantial prejudice, error, and mistrial), and failing to make arrangements for coverage of his daily dockets. On stipulation, judge required to participate in a thirty day in-patient alcohol/substance abuse rehabilitation and thirty day follow-up program, publicly reprimanded, write a letter of explanation and apology to members of the jury and the Judicial Standards Commission, suspension without pay for two days (the period of time judge failed to appear for work when he was not receiving medical treatment), pay a fine of \$1000, and for the entire duration of Respondent's service as a judge in the State of New Mexico, the following discipline: (1) permanent supervised probation; (2) participation in Alcoholics Anonymous or other twelve-step program at least once a week, (3) random alcohol and drug testing, and lastly (4) no alcohol or drug use.

Matter of Hon. John W. "Buddy" Sanchez, Valencia County Magistrate Court, JSC Inquiry No. 2005-031, Supreme Court Docket No. 25,281 (2007). The Commission filed a *Petition for Immediate Temporary Suspension or for Immediate Administrative Medical Leave* which concerned the judge's fitness for duty. The Supreme Court granted the Commission's *Motion to Seal* the pleadings. After hearing oral argument from the parties, the Supreme Court ordered that Judge Sanchez: (1) demonstrate his serum ammonia levels were below 45 umol/L; (2) abstain from all alcohol consumption, and comply with random drug and alcohol screening until further order of the Court; and (3) undergo random testing of his serum ammonia levels. The Supreme Court ultimately denied the Commission's *Motion for Retirement or Removal from Office*. On October 1, 2008, the judge filed his motion to discontinue the Supreme Court's

requirement that Respondent continue to undergo random drug and alcohol screening, and periodic serum ammonia screening. The Commission filed its response in opposition to this screening on October 6, 2008, and the Respondent filed his reply brief on October 9, 2008. On November 20, 2008, the Supreme Court granted in part and denied in part the judge's motion. The Supreme Court ordered that the discontinuation of random drug and alcohol screening, but ordered the continued screening of the judge's serum ammonia levels.

Matter of Hon. Carlos Garza, Doña Ana County Magistrate Court, JSC Inquiry Nos. 2006-021, 2006-070, 2006-071, 2006-072, 2006-076, Supreme Court Docket No. 29,764 (2006). Allegations included that the Respondent knowingly and willfully attempted to influence/intimidate a law enforcement officer in an effort to gain preferential treatment for a woman with whom he had a personal relationship, and again used the prestige of judicial office to gain preferential treatment on behalf of that same person by ordering court staff to issue clearance of her driver's license before all of her legal obligations had been met (despite being notified by the Commission that it was investigating his communications to other magistrate court judges regarding the woman's DWI case). After a hearing on the merits, the Commission found that the Respondent's conduct constituted willful misconduct in office and recommended permanent removal from judicial office and costs. Given the recurring pattern of misconduct to use his judicial office to attempt to benefit someone with whom he was personally interested, along with Respondent's use of illegal drugs (Inquiry No. 2006-042 reported below), the Supreme Court granted the Commission's *Petition for Permanent Removal from Judicial Office* and awarded costs.

Matter of Hon. Carlos Garza, Doña Ana County Magistrate Court, JSC Inquiry No. 2006-042, Supreme Court Docket No. 29,764 (2006). Allegations included that the Respondent used illegal drugs and failed to comply with a Commission's drug testing order (based on affidavits from two court employees and a letter from the Magistrate Advisory Committee detailing the judge's suspicious behavior). Not until the Supreme Court mandated that the Respondent comply with the Commission's drug testing order, over a month after Respondent initially learned of that order, did the judge submit to the requisite drug testing. Despite Respondent's efforts to avoid drug testing, Respondent tested positive for the use of cocaine and cocaine metabolites. After a hearing on the merits, the Commission found that the Respondent's conduct constituted willful misconduct in office and recommended permanent removal from judicial office and costs. Finding that the Respondent's use of illegal drugs simply could not be tolerated, along with his efforts to avoid ordered drug testing, and pattern of using his position in attempts to benefit someone in whom he was personally interested (Inquiry Nos. 2006-021, 2006-070, 2006-071, 2006-072, and 2006-076, reported above), the Supreme Court granted the Commission's *Petition for Permanent Removal from Judicial Office* and awarded costs.

Matter of Hon. Hector Pineda, Roswell Municipal Court, JSC Inquiry No. 2005-095, Supreme Court Docket No. 29,479 (2007). Allegations included requiring all citizens who need to appear before the court to present photo identification prior to such appearances being allowed, including appearances from defendants in criminal or traffic matters, from legal guardians for minors, and from persons seeking civil marriages; denying a criminal defendant constitutional due process of law by issuing a bench warrant for the criminal defendant's arrest based upon the judge's determination that he failed to appear the previous day despite the fact that the defendant arrived to the judge's court ten minutes early and was advised by the court staff that he would need photo identification in order to appear for court. After trial (on stipulated factual findings), Commission found willful misconduct. Upon recommendation from the Commission, the Supreme Court ordered that: (1) Respondent shall immediately discontinue the photo identification policy; (2) a formal reprimand (3); a one-week

suspension without pay; (4) a one thousand dollar fine; and lastly, (5) a one-year supervised probation and mentorship.

Matter of Hon. James T. Locatelli, Las Cruces Municipal Court, JSC Inquiry No. 2004-134, Supreme Court Docket No. 29,508, 2007-NMSC-029, 141 N.M. 755, 161 P.3d 152 (2007). Allegations included: (1) improperly issuing criminal contempt complaints to two attorneys for their role in an appeal from his court; and (2) improperly failing to recuse from the contempt proceedings. After a trial, the Commission recommended that the Supreme Court impose the following discipline on Judge Locatelli: (1) expungement of the attorney's contempt cases from the Las Cruces Municipal Court records; (2) formal public reprimand; (3) Ethics for Judges course at the National Judicial College at Respondent's own expense; (4) one year supervised probation and formal mentorship with a district judge concerning Respondent's misconduct and obligations imposed by the New Mexico Code of Judicial Conduct; and lastly, (5) assessment of the Commission's costs and expenses. The Supreme Court denied the petition for discipline because the Commission failed to prove willful misconduct by clear and convincing evidence, holding instead that the judge's actions were merely negligent. The Supreme Court, however, wrote a formal opinion and clarified that "when a judge suspects that an attorney has violated a duty of competence, diligence, or candor toward the court, the preferred course of action is to report the attorney to the Disciplinary Board."

Matter of Hon. William A. Vincent, Jr., San Juan County Magistrate Court, JSC Inquiry No. 2006-028, Supreme Court Docket No. 27,266, 2007-NMSC-056 (2007). Allegations included publicly endorsing a candidate for reelection as mayor. Specifically, the judge authorized the use of his name for an endorsement that was published in a local newspaper. While the judge admitted to endorsing a candidate for public office, the judge contested the imposition of any discipline on the grounds that his conduct was constitutionally protected free speech. The New Mexico Supreme Court was asked to decide the constitutionality of the prohibition in the New Mexico Code of Judicial Conduct against the public endorsement of a political candidate by a judge, commonly referred to as an "endorsement clause," in light of the United States Supreme Court's opinion in *Republican Party of Minnesota v. White*, 536 U.S. 765 (2002). The New Mexico Supreme Court concluded that New Mexico's endorsement clause is constitutional, adopted the Commission's recommendation of discipline, and issued a formal reprimand. In a formal opinion, the Court concluded that the endorsement clause "is intended to promote what we believe is an undeniable compelling state interest in promoting the reality and appearance of impartiality of our judiciary, which in this case means eliminating the potential for bias or the appearance of bias or against the parties appearing before a judge." The Court stated that the judge's endorsement of the mayor "would certainly create the appearance of bias were the mayor or anyone associated with his administration to appear before respondent in an actual case."

Matter of Hon. George Galanis, McKinley County Magistrate Court, JSC Inquiry No. 2006-130, Supreme Court Docket No. 30,198 (2007). Commission petitioned for temporary suspension without pay, which was a sealed pleading. Judge subsequently tendered his resignation as magistrate judge. The Commission filed a *Notice of Abatement of Action*. Supreme Court granted the Commission's *Motion to Dismiss* and dismissed the *Petition for Immediate Temporary Suspension without Pay* without prejudice on the basis that the matter was now moot.

Matter of Hon. J. Wayne Griego, Bernalillo County Metropolitan Court, JSC Inquiry No. 2005-051, Supreme Court Docket No. 30,203 (2007). Allegations included improperly delegating judicial duties to judge's secretary while the judge was on a personal vacation by directing secretary to perform judge's judicial duties for his traffic docket and directing secretary to use judge's signature stamp for

endorsement. Upon stipulation, judge publicly reprimanded, ordered to pay a \$500 fine and ordered to complete a six month supervised probation and formal mentorship.

Matter of Hon. Theresa Gomez, Bernalillo County Metropolitan Court, JSC Inquiry No. 2006-128, Supreme Court Docket No. 30,549 (2007). Allegations included that: (1) judge lived rent-free for twenty months in a home owned by the Region III State Housing Authority, which she was in the process of buying (to include past rent due) under the Housing Authority's lease-purchase program for individuals whose credit rating prevented them from accessing private mortgage financing; and (2) judge had communications with and dismissed traffic citations and cancelled an arrest warrant for the director of the Housing Authority without the presence or involvement of the prosecuting police officer or prosecutor. Upon stipulation with the Commission, judge consented to accept a formal reprimand and pay \$17,000 restitution to the housing authority. The Supreme Court rejected the stipulated discipline but indicated a two-week suspension without pay would be appropriate. Upon a second stipulation accepted by the Court, the judge received a two week unpaid suspension and agreed to pay \$17,000 restitution in unpaid rent due to the housing authority.

Matter of Hon. Hector Pineda, Roswell Municipal Court, JSC Inquiry No. 2006-105, Supreme Court Docket No. 29,479 (2007). On July 18, 2007, the Commission filed a *Verified Petition for Immediate Temporary Suspension without Pay* concerning Judge Pineda with the Supreme Court. On July 20, 2007, the Judge resigned his judicial office. On July 23, 2007, the Commission filed a *Motion to Accept Stipulation to Permanent Resignation from Judicial Office and to Dismiss without Prejudice Respondent's Pending Disciplinary Matters*. On July 31, 2007, the Court issued an order granting the Commission's *Motion to Accept Stipulation to Permanent Resignation from Judicial Office and to Dismiss without Prejudice Respondent's Pending Disciplinary Matters*.

Matter of Hon. J. Wayne Griego, Bernalillo County Metropolitan Court, JSC Inquiry No. 2007-047, Supreme Court Docket No. 30,203 (2008). Allegations included that over a period of about three years, the judge summarily adjudicated twenty-four traffic cases for family members, friends and relatives of staff members *ex parte* and without a hearing or taking evidence. After a trial, the Commission found that the Respondent's conduct constituted willful misconduct in office and recommended a 90-day suspension, implementation of policies addressing the avoidance of future conflicts of interest and addressing staff supervision and training, a formal reprimand, and costs. While the Supreme Court adopted the Commission's *Findings of Fact and Conclusions of Law*, the Court found that the judge's actions of bypassing evidentiary hearings and adjudicating numerous tickets for family members and friends without state participation warranted his removal from the bench.

Matter of Hon. Horacio Favela, Sunland Park Municipal Court, JSC Inquiry No. 2008-012, Supreme Court Docket No. 30,987. On March 7, 2008, the Commission filed its *Petition for Immediate Temporary Suspension* asking the Supreme Court to suspend Respondent from office on the basis that he had pending felony criminal charges. The Commission also filed its *Petition for Writ of Quo Warranto*, seeking to prevent Respondent from taking office on the basis that he was not a resident of Sunland Park, New Mexico, and thus ineligible to hold the office of Sunland Park Municipal Judge. On March 26, 2008, the Supreme Court granted the Commission's *Petition for Immediate Temporary Suspension*, but denied without prejudice the Commission's *Petition for Writ of Quo Warranto*. On June 24, 2008, the Commission reached agreement with Judge Favela on a *Stipulation to Permanent Resignation from Judicial Office*, which was filed by petition in the Supreme Court. The Supreme Court granted the Commission's petition on July 15, 2008.

Matter Of Hon. Fred Rodarte, Cibola County Probate Court, JSC Inquiry No. 2008-001, Supreme Court Docket No. 31,023 (2008). On March 25, 2008, the Commission filed with the Supreme Court a *Verified Petition for Immediate Temporary Suspension without Pay*. On April 1, 2008, the Supreme Court set oral argument for April 16, 2008, and ordered Judge Rodarte to respond to the petition by April 11. On April 10, 2008, Judge Rodarte resigned from his judicial office. On April 15, 2008, the Supreme Court vacated oral argument and denied the Commission's temporary suspension petition as moot.

Matter of Hon. Thomas Rodella, Rio Arriba County Magistrate Court, JSC Inquiry Nos. 2006-133, 2007-062, 2007-071 & 2007-078, Supreme Court Docket No. 31,806 (2008). Allegations included that the judge secured the release from custody of the father of a member of a religious brotherhood to which the judge belonged, promised a couple who were having a dispute with their tenants that they would not have a problem winning in court, and telling the victim in a domestic violence case that there would be no legal consequences if she chose not to testify at the trial even though she had been subpoenaed by the district attorney. After a hearing on the merits, the Commission found that the Respondent's conduct constituted willful misconduct in office and recommended permanent removal from office, a formal reprimand and cost reimbursement. While the Supreme Court did not adopt all of the Commission's *Findings of Fact and Conclusions of Law*, the Court found that the judge's actions constituted willful misconduct in office and warranted his removal from the bench.

Matter of Hon. Ira Robinson, Court of Appeals, JSC Inquiry No. 2007-070, Supreme Court Docket No. 31,188 (2008). Upon stipulation, the judge agreed to permanently retire from judicial office in New Mexico, which the Supreme Court accepted. Upon Respondent's *Motion to Unseal*, the Court ordered that the entire case be unsealed.

Matter of Hon. Barbara Aldaz-Mills, Aztec Municipal Court, JSC Inquiry No. 2008-051, Supreme Court Docket No. 31,197 (2008). On June 27, 2008, the Commission filed a *Verified Petition for Immediate Temporary Suspension* with the Supreme Court. On July 2, 2008, the judge filed her response to the Commission's petition. On July 30, 2008, the Supreme Court issued an order denying the Commission's *Petition for Immediate Temporary Suspension*. The Commission and the judge reached a stipulated resolution to this matter, which was filed on November 20, 2008, with the Supreme Court pursuant to a *Petition for Discipline Upon Stipulation*. This matter remains pending before the Supreme Court.