



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

No.

IN THE MATTER OF HON. JOHN M. BURNS
Tatum Municipal Court

INQUIRY CONCERNING HON. JOHN M. BURNS
Inquiry No. 2021-075

S-1-SC-39605

FILED UNDER SEAL
PURSUANT TO 27-104(B) NMRA

**PETITION TO ACCEPT STIPULATION AGREEMENT
AND CONSENT TO DISCIPLINE**

JUDICIAL STANDARDS COMMISSION
6200 Uptown Blvd., NE, Suite 340
Albuquerque, NM 87110-4159
Telephone: (505) 222-9353

CHANCE A. GAUTHIER
Investigative Trial Counsel

PHYLLIS A. DOMINGUEZ
Executive Director & General Counsel

Counsel for Petitioner

HON. JOHN M. BURNS
Tatum Municipal Court
121 W. Broadway St.
Tatum, NM 88267
jburns@leaco.net
(575) 398-8880

Respondent

IN THE SUPREME COURT
OF THE STATE OF NEW MEXICO

No.

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Tatum Municipal Court

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Inquiry No. 2021-075

FILED UNDER SEAL
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PETITION TO ACCEPT STIPULATION AGREEMENT
AND CONSENT TO DISCIPLINE

The Judicial Standards Commission of the State of New Mexico (“Commission”), through the undersigned counsel, hereby petitions the Supreme Court for an order approving the attached *Stipulation Agreement and Consent to Discipline (“Stipulation”)*, attached hereto as **Exhibit 1**, in which Hon. John M. Burns, (“Respondent”) consents to discipline from the Supreme Court in lieu of further disciplinary proceedings as outlined in the attached *Stipulation*. Respondent is *pro se* in this matter.

The Commission recommends the Court approve the agreement, impose the

stipulated discipline against the Respondent and unseal the file in this matter pursuant to Rule 27-104(B) NMRA.

The Commission believes this stipulation agreement best serves the interests of justice and the integrity of the New Mexico Judiciary, and as further grounds for this petition states:

1. The Commission invokes its jurisdiction pursuant to the Commission's power to recommend the discipline of judges, and the Supreme Court's power to discipline judges under the New Mexico Constitution Article VI, Section 32; the Court's power of superintending control under the New Mexico Constitution Article VI Section 3; and Rule 36 of the Judicial Standards Commission's Rules.

2. This matter is currently pending before the Commission pursuant to a *Notice of Formal Proceedings* issued to Respondent on July 20, 2022 in Inquiry No. 2021-075 (See **Exhibit 2**). Respondent's response to the *Notice of Formal Proceedings* was filed on August 04, 2022 (See **Exhibit 3**).

3. The Commission issued a *Notice of Investigation* to Respondent on December 20, 2021 (See **Exhibit 4**) and Respondent's response to the *Notice of Investigation* was filed on January 06, 2022 (See **Exhibit 5**).

4. Pursuant to Commission's Rule 19, NMRA 2020, and following the Commission's receipt and review of Respondent's written response to the *Notice of Investigation*, the Commission invited Respondent to participate in an informal confidential conference with the Commission on June 6, 2022 by Zoom video conferencing. The conference afforded Respondent an opportunity to discuss and explain his response to the *Notice of Investigation* in person and provided the Commission an opportunity to ask Respondent questions and further discuss the pending allegations and Respondent's response to assist in determining the appropriate course of action.

5. After full consideration of Respondent's written response and the information he provided verbally at the informal confidential conference, the Commission issued a *Notice of Formal Proceedings* to Respondent and set the matter for a hearing on the merits.

6. The Commission entered into a *Stipulation* with Respondent on October 12, 2022 (*See Exhibit 1*). The *Stipulation* was based upon Respondent's acceptance of responsibility, efforts to change the conduct, cooperation with the Commission and Respondent's consent to imposition of discipline by the Supreme Court as follows:

A. Formal Mentorship: The Judicial Standards Commission shall recommend a mentor for the Supreme Court's approval and appointment upon an Order granting this Petition. The mentorship shall focus on Municipal Court jurisdiction and sentencing as well as Respondent's duties under the Code of Judicial Conduct. The mentorship shall begin upon the Supreme Court's appointment of the mentor, who shall provide a monthly report to the Supreme Court and Commission on the progress and outcome of the mentorship. The mentorship shall be no longer than six (6) months unless requested by the mentor and approved by the Supreme Court.

B. Six (6) Months Supervised Probation: Respondent, concurrent with the formal mentorship, shall provide to the mentor a list of traffic cases involving litigants with Commercial Driver Licenses each month for six (6) months detailing the disposition of each case to ensure proper sentencing guidelines.

7. Respondent admitted he engaged in willful misconduct and committed the acts as set forth in the *Stipulation*.

8. Respondent admitted that his conduct violated Rules 21-101, 21-102, 21-103, 21-202, 21-203, 21-205, 21-206, 21-209 and 21-211 of the Code of Judicial Conduct.

9. As set forth in the *Stipulation*, Respondent agrees that his admitted conduct constitutes willful misconduct in office and provides sufficient basis for the New Mexico Supreme Court to impose discipline

against Respondent pursuant to Article VI, Section 32 of the New Mexico Constitution.

10. The Commission shall close Inquiry No. 2021-075 upon successful completion of the formal mentorship and successful completion of the six (6) month term of supervised probation.

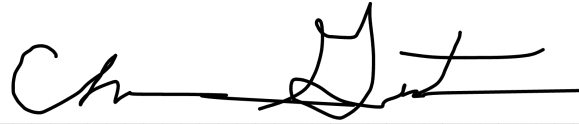
11. The attached *Stipulation* is enforceable by the Commission before the Supreme Court.

12. It is in the best interests of justice and integrity of the New Mexico Judiciary that the Supreme Court grant this petition.

WHEREFORE, the Commission respectfully requests this Court issue an order granting the Commission's petition, approving the *Stipulation Agreement and Consent to Discipline* and imposing the discipline set forth in the *Stipulation*. The Commission also requests that the Court's order unseal all documents filed in the Supreme Court in this case pursuant to Rule 27-104(B) NMRA.

Respectfully submitted,

JUDICIAL STANDARDS COMMISSION

A handwritten signature in black ink, appearing to read 'Chance A. Gauthier', written over a horizontal line.

CHANCE A. GAUTHIER

Investigative Trial Counsel

PHYLLIS A. DOMINGUEZ

Executive Director & General Counsel

6200 Uptown Blvd., NE, Suite 340

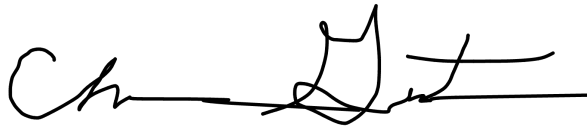
Albuquerque, NM 87110-4159

Telephone: (505) 222-9353

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed and served upon Respondent via the Supreme Court's Electronic Filing and Service System and served via first class mail return receipt requested on this 12th day of October 2022 to the Respondent as follows:

Hon. John M. Burns
Tatum Municipal Court
121 W. Broadway St.
Tatum, NM 88267
(575) 398-8880
jburns@leaco.net

A handwritten signature in black ink, appearing to read "Chance A. Gauthier", written over a horizontal line.

CHANCE A. GAUTHIER

BEFORE THE JUDICIAL STANDARDS COMMISSION
STATE OF NEW MEXICO

INQUIRY CONCERNING HON. JOHN M. BURNS
Tatum Municipal Court

Inquiry No. 2021-075

FILED

OCT 12 2022

**NM JUDICIAL
STANDARDS COMMISSION**

STIPULATION AGREEMENT AND CONSENT TO DISCIPLINE

THIS MATTER is currently pending before the Judicial Standards Commission ("Commission") pursuant to a *Notice of Formal Proceedings* issued to Hon. John M. Burns ("Respondent") on July 20, 2022, in Inquiry No. 2021-075 (*See Exhibit A*). This *Stipulation Agreement and Consent to Discipline* ("Stipulation") is entered into by and between the Commission and Respondent. The parties hereby enter into the following *Stipulation*:

1. Respondent admits that he engaged in willful misconduct by:
 - A. Initiating a prohibited *ex parte* conversation in Case No. 36976 on or about August 26, 2021 with Defendant Rolando Ordonez and attempted to coerce Defendant Ordonez to plead guilty and avoid a trial.
 - B. Abusing his judicial authority and position and by failing to act as an impartial jurist when Judge Burns attempted to dissuade Defendant Ordonez from exercising his constitutional right to counsel telling him words to the effect that a lawyer would be expensive, and he would likely lose his case anyway because there was video, audio and radar gun evidence in his underlying case.
 - C. Conducting a telephonic hearing in Case No 36976 on or about late September or early October with Defendant Rolando Ordonez, and inappropriately questioning Defendant Ordonez about his connection with, or who he knows, at the Judicial Standards Commission after your Court received a phone call from the Judicial Standards Commission requesting a court file.
 - D. Failing to recuse from Case No. 36976 after having engaged in an *ex parte* conversation with Defendant Rolando Ordonez, having attempted to coerce Defendant Ordonez into pleading guilty to avoid

Exhibit 1

a trial and after questioning Defendant Ordonez about his connection with the Judicial Standards Commission.

- E. Accepting and filing a conditional dismissal from the prosecuting officer who agreed to dismiss Defendant Ordonez' speeding ticket if Defendant Ordonez paid \$151.00 (the fine for the speeding ticket) to the Tatum Police Department or to the Tatum Municipal Court in support of a Christmas fundraiser, "Children's Fund for Toys."

2. Respondent admits that he violated the following rules of the Code of Judicial Conduct: Rules 21-101, 21-102, 21-202, 21-103, 21-202, 21-203, 21-205, 21-206, 21-209, and 21-211 NMRA. Respondent stipulates that the facts and evidence, individually and taken together, constitute willful misconduct in office and provides sufficient basis for the New Mexico Supreme Court to impose discipline pursuant to Article VI, Section 32, of the New Mexico Constitution.

3. Respondent consents to imposition of the following discipline by the Supreme Court:

A. **Formal Mentorship** - Respondent shall receive a formal mentorship with a mentor to be appointed by the New Mexico Supreme. The mentor shall focus on Municipal Court Jurisdiction and sentencing as well as Respondent's duties under the Code of Judicial Conduct. The mentor shall provide monthly written reports to the Supreme Court detailing the issues addressed with Respondent and Respondent's amenability to the mentorship. The mentorship shall be no longer than six (6) months unless requested by the mentor and approved by the Supreme Court.

B. **Six (6) Months of Supervised Probation** - The Respondent is to provide a list of traffic cases involving litigants with Commercial Driver Licenses each month for six (6) months to the mentor detailing the disposition of each case to ensure proper sentencing guidelines.

4. Upon successful completion of the terms of the *Stipulation*, the Commission will close this matter.

5. The Commission will file under seal with the New Mexico Supreme Court, pursuant to JSC Rules 34(A) and 36(E), a *Petition to Accept Stipulation Agreement and Consent to Discipline* ("Petition"), attaching a copy of this executed *Stipulation*.

6. The Commission agrees to abate the current proceedings upon granting of the *Petition* by the Supreme Court.
7. Upon granting the *Petition*, and pursuant to Supreme Court Rules, Respondent acknowledges that this matter will be unsealed at the Supreme Court.
8. This *Stipulation* is specifically enforceable by the Commission before the Supreme Court.
9. Respondent acknowledges that upon execution of this *Stipulation*, Respondent gives up any and all motions, defenses, objections, or requests that the Respondent has made or raised, or could assert hereafter in or concerning the Judicial Standards Commission proceedings.
10. The provisions of this *Stipulation* are material to the Commission's deliberations and ultimate acceptance of it.
11. This document is not enforceable unless fully executed by all parties.
12. The Commission and Respondent shall take all actions necessary to carry out and fulfill the terms and conditions of this *Stipulation*.
13. **Non-Compliance and Breach:** If Respondent violates any terms or provisions of this executed *Stipulation*, Respondent agrees that all facts alleged in the *Notice of Formal Proceedings* issued in Inquiry 2021-075 shall be deemed admitted by the Respondent, will be used against Respondent in future proceedings before the Commission and the Supreme Court, and may constitute obstruction of Commission business and contempt.
14. Respondent shall not make any misrepresentations to the media concerning this inquiry, the facts and circumstances of Respondent's *Stipulation*, or the Commission's proceedings.

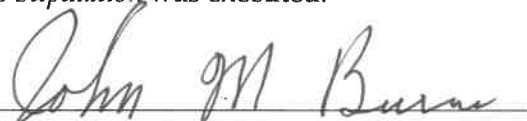
15. The terms and conditions contained in this stipulation are mutually acceptable to and agreed upon by all parties.

16. All parties have read and understand this *Stipulation*, have had the opportunity to discuss it with and be advised by legal counsel, and hereby freely and voluntarily enter into this *Stipulation* free of any threats, and free of any promises not contained herein.

RESPONDENT'S REVIEW AND APPROVAL

I have read and understand this *Stipulation*. I have had the opportunity to discuss this matter and my rights with an attorney. I understand that by entering into this *Stipulation*, I will be giving up my rights to a formal hearing on the merits and to confront, cross-examine and compel the attendance of witnesses regarding these issues.

I know, understand, and agree that the provisions of this *Stipulation* are material to the Commission's deliberations and ultimate acceptance of it. I understand and agree that by entering into this stipulation I am admitting that the conduct described in the *Notice of Formal Proceedings* is fact and that such conduct taken individually or together constitutes willful misconduct. I also admit the Supreme Court has sufficient basis to impose discipline based on the admitted facts outlined above. I also fully understand and agree that if I violate any terms of this agreement the Commission shall re-initiate the matter pending before the Court and/or the Commission at the time this *Stipulation* was executed.

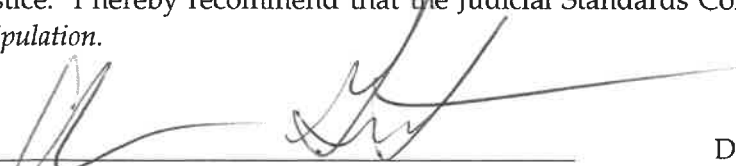


HON. JOHN M. BURNS
Respondent

Dated: Sept 29, 2022

INVESTIGATIVE TRIAL COUNSEL'S REVIEW AND APPROVAL

I have reviewed this *Stipulation* and find that it is appropriate and in the best interest of justice. I hereby recommend that the Judicial Standards Commission accept and approve this *Stipulation*.

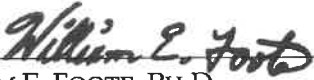


CHANCE A. GAUTHIER ESQ.
Investigative Trial Counsel

Dated: 10/12/22

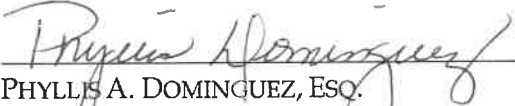
JUDICIAL STANDARDS COMMISSION'S REVIEW & APPROVAL

The Commission has reviewed this *Stipulation* and finds that it is in the best interest of justice and hereby accepts and approves this *Stipulation*.



WILLIAM E. FOOTE, PH.D.
Chair

Dated: 10/12/2022



PHYLLIS A. DOMINGUEZ, ESQ.
Executive Director & General Counsel

Dated: 10/12/2022

BEFORE THE JUDICIAL STANDARDS COMMISSION
OF THE STATE OF NEW MEXICO

FILED

INQUIRY CONCERNING HON. JOHN M. BURNS
Tatum Municipal Court
Inquiry No. 2021-075

JUL 20 2022

**NM JUDICIAL
STANDARDS COMMISSION**

NOTICE OF FORMAL PROCEEDINGS

TO: Hon. John M. Burns
Tatum Municipal Court
121 W. Broadway St.
Tatum, NM 88267

YOU ARE HEREBY NOTIFIED that the Judicial Standards Commission, in accordance with its jurisdiction under Article VI, Section 32 of the New Mexico Constitution and pursuant to Judicial Standards Commission Rule 15, has instituted formal proceedings on the charges set forth below.

COUNT 1

In Case No. 36976 on August 26, 2021, you initiated a prohibited *ex parte* conversation with Defendant Rolando Ordonez and attempted to coerce Defendant Ordonez to plead guilty and avoid a trial.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-103, 21-202, 21-203, 21-205, 21-206 and 21-209 NMRA and constitutes willful misconduct in office.

COUNT 2

In Case No. 36976 on August 26, 2021, during the conversation you initiated with Defendant Rolando Ordonez, you abused your judicial authority and position and failed to act as an impartial jurist when you attempted to dissuade Defendant Ordonez from exercising his constitutional right to counsel telling him words to the effect that a lawyer would be expensive, and he would likely lose his case anyway because there was video, audio and radar gun evidence in his underlying case.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-103, 21-202, 21-203, 21-205, 21-206 and 21-209 NMRA and constitutes willful misconduct in office.

Exhibit A

COUNT 3

In Case No. 36976 on or about late September or early October 2021, after you received a telephone call from the Judicial Standards Commission requesting a court record, you conducted a telephonic hearing with Defendant Rolando Ordonez, during which you inappropriately questioned Defendant Ordonez about his connection with or who he knows, at the Judicial Standards Commission.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102 and 21-211 NMRA and constitutes willful misconduct in office.

COUNT 4

In Case No. 36976 you failed to recuse from this case after having engaged in an ex parte conversation with Defendant Rolando Ordonez, having attempted to coerce Defendant Ordonez into pleading guilty to avoid a trial and despite questioning Defendant Ordonez about his connection with the Judicial Standards Commission.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-103, 21-202, and 21-211 NMRA and constitutes willful misconduct in office.

COUNT 5

In Case No. 36976 you accepted and filed a conditional dismissal from the prosecuting officer who agreed to dismiss Defendant Ordonez' speeding ticket if Defendant Ordonez paid \$151.00 (the fine for the speeding ticket) to the Tatum Police Department or to the Tatum Municipal Court in support of a Christmas fundraiser, "Children's Fund for Toys."

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-103 and 21-205 NMRA and constitutes willful misconduct in office

PLEASE BE ADVISED that in accordance with Rule 16 of the Judicial Standards Commission Rules, **you shall file a written answer to this notice within twenty-one (21) days of its service upon**

you. Your answer shall be filed with the Commission electronically (call for filing e-mail address) or by mail sent to:

*Judicial Standards Commission
6200 Uptown Blvd. NE, Suite 340
Albuquerque, New Mexico 87110-4159*

Article VI, Section 32 of the New Mexico Constitution provides that all papers filed with and proceedings before the Judicial Standards Commission are confidential, except that any record filed by the Commission in the New Mexico Supreme Court continues its privilege but, upon its filing, loses its confidential character, and a writing which was privileged prior to filing with the Commission, or its masters does not lose its privilege by the filing.

JUDICIAL STANDARDS COMMISSION

BY: 

William E. Foote, Ph.D., Chair
6200 Uptown Blvd. NE, Suite 340
Albuquerque, NM 87110-4159
(505) 222-9353

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of July 2022 a true copy of the foregoing was sent as follows:

USPS VIA CERTIFIED RETURN RECEIPT

RESPONDENT

Hon. John M. Burns
Tatum Municipal Court
121 W. Broadway St.
Tatum, NM 88267

JUDICIAL STANDARDS COMMISSION



BEFORE THE JUDICIAL STANDARDS COMMISSION
OF THE STATE OF NEW MEXICO

FILED

INQUIRY CONCERNING HON. JOHN M. BURNS
Tatum Municipal Court
Inquiry No. 2021-075

JUL 20 2022

**NM JUDICIAL
STANDARDS COMMISSION**

NOTICE OF FORMAL PROCEEDINGS

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Tatum, NM 88267

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In Case No. 36976 on August 26, 2021, during the conversation you initiated with Defendant Rolando Ordonez, you abused your judicial authority and position and failed to act as an impartial jurist when you attempted to dissuade Defendant Ordonez from exercising his constitutional right to counsel telling him words to the effect that a lawyer would be expensive, and he would likely lose his case anyway because there was video, audio and radar gun evidence in his underlying case.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-103, 21-202, 21-203, 21-205, 21-206 and 21-209 NMRA and constitutes willful misconduct in office.

Exhibit 2



COUNT 3

In Case No. 36976 on or about late September or early October 2021, after you received a telephone call from the Judicial Standards Commission requesting a court record, you conducted a telephonic hearing with Defendant Rolando Ordonez, during which you inappropriately questioned Defendant Ordonez about his connection with or who he knows, at the Judicial Standards Commission.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102 and 21-211 NMRA and constitutes willful misconduct in office.

COUNT 4

In Case No. 36976 you failed to recuse from this case after having engaged in an ex parte conversation with Defendant Rolando Ordonez, having attempted to coerce Defendant Ordonez into pleading guilty to avoid a trial and despite questioning Defendant Ordonez about his connection with the Judicial Standards Commission.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-103, 21-202, and 21-211 NMRA and constitutes willful misconduct in office.

COUNT 5

In Case No. 36976 you accepted and filed a conditional dismissal from the prosecuting officer who agreed to dismiss Defendant Ordonez' speeding ticket if Defendant Ordonez paid \$151.00 (the fine for the speeding ticket) to the Tatum Police Department or to the Tatum Municipal Court in support of a Christmas fundraiser, "Children's Fund for Toys."

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-103 and 21-205 NMRA and constitutes willful misconduct in office

PLEASE BE ADVISED that in accordance with Rule 16 of the Judicial Standards Commission Rules, **you shall file a written answer to this notice within twenty-one (21) days of its service upon**

you. Your answer shall be filed with the Commission electronically (call for filing e-mail address) or by mail sent to:

*Judicial Standards Commission
6200 Uptown Blvd. NE, Suite 340
Albuquerque, New Mexico 87110-4159*

Article VI, Section 32 of the New Mexico Constitution provides that all papers filed with and proceedings before the Judicial Standards Commission are confidential, except that any record filed by the Commission in the New Mexico Supreme Court continues its privilege but, upon its filing, loses its confidential character, and a writing which was privileged prior to filing with the Commission, or its masters does not lose its privilege by the filing.

JUDICIAL STANDARDS COMMISSION

BY: 

William E. Foote, Ph.D., Chair
6200 Uptown Blvd. NE, Suite 340
Albuquerque, NM 87110-4159
(505) 222-9353

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of July 2022 a true copy of the foregoing was sent as follows:

USPS VIA CERTIFIED RETURN RECEIPT

RESPONDENT

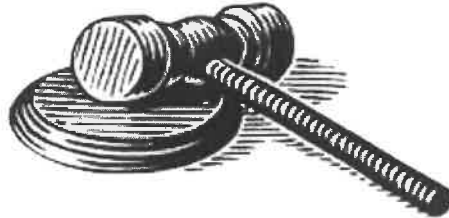
Hon. John M. Burns
Tatum Municipal Court
121 W. Broadway St.
Tatum, NM 88267

JUDICIAL STANDARDS COMMISSION



Tatum Municipal Court

Judge John M. Burns



FILED

AUG 04 2022 *Jef*

**NM JUDICIAL
STANDARDS COMMISSION**

2021-075

P.O. BOX 156~~120 W. Broadway Tatum, New Mexico 88267
Phone: (575) 398-8880~~Fax: (575) 398-8881

August 1, 2022

To Whom It May Concern:

I looked over count 1, 2, 3 and 4 in case no. 36976. I had a court hearing with the Judicial Standards commission and gave a written answer for them. I have never heard of the results of the outcome. I reviewed Rules 21- and learned a lot I know that I can do better in the long run. I'm a Judge I try to be fair with everyone. I think that's part of my job to help everyone.

As far as the trial for Mr. Ordonez the officer Ryan Munoz at one time worked for Sheriff's Department and was used to the Magistrate Court when he made plea. Officer Munoz did fine Mr. Ordonez not guilty and that's what on the Notice of Dismissal Citation #11234614 and court ok plea. The \$151.00 was between officer and defendant for Children's Fund for toys.

I checked with Judith Olean Municipal Court Consultant, and she said that was a plea higher courts use, but not in Municipal Courts. She advised me not to use in the future.

John M Burns

Exhibit 3



**STATE OF NEW MEXICO
JUDICIAL STANDARDS COMMISSION**

6200 UPTOWN BOULEVARD NE, SUITE 320
ALBUQUERQUE, NEW MEXICO 87110-4159
(505) 222-9353 • WWW.NMJSC.ORG

RANDALL D. ROYBAL
Executive Director & General Counsel

PHYLLIS A. DOMINGUEZ
Deputy Director

CHANCE A. GAUTHIER
Investigative Trial Counsel

December 20, 2021

CONFIDENTIAL

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Hon. John M. Burns
Tatum Municipal Court
121 W. Broadway St.
Tatum, NM 88267

FILED

Re: Inquiry No. 2021-075; Notice of Investigation

DEC 20 2021



Dear Judge Burns:

**NM JUDICIAL
STANDARDS COMMISSION**

You are hereby notified that the above-referenced matter came before the Judicial Standards Commission on a verified, third-party complaint; a complaint docketed by the Commission's General Counsel; or upon the Commission's own motion. As part of an investigation pursuant to Rules 15(B) and (C) of the Judicial Standards Commission Rules (NMRA 2020), the Commission requires that you provide a written explanation as to the matter discussed below.

It has been alleged that:

In Case No. 36976 on August 26, 2021, you initiated an *ex parte* conversation with Defendant Rolando Ordonez and attempted to coerce Defendant Rolando Ordonez to plead guilty and avoid a trial.

In Case No. 36976 on August 26, 2021, during the *ex parte* conversation you initiated with Defendant Rolando Ordonez, you attempted to dissuade Defendant from exercising his constitutional right to counsel telling him that a lawyer would be expensive, and he would likely lose his case anyway because there was video, audio and a radar gun evidence in the underlying case.

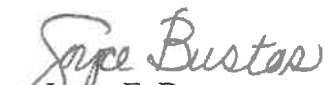
In Case No. 36976 on or about late September or early October 2021, you held a telephonic hearing with Defendant Rolando Ordonez, during which you exhibited bias, appeared partial of Mr. Ordonez's current and/or future hearing(s), when you inappropriately questioned Defendant Rolando Ordonez about his connection with or who he knows at the Judicial Standards Commission.

Exhibit 4

In Case No. 36976 you failed to recuse from the matter despite questioning Defendant Rolando Ordonez about his connection with the Judicial Standards Commission.

Please provide the Commission with an explanation for your actions and the factual and legal bases for such conduct. Your response to this notice must be submitted in writing and must include an explanation and disclosure of all pertinent facts, along with any relevant documents or materials you wish the Commission to consider regarding the matter outlined herein. Pursuant to Rule 16(B) of the Judicial Standards Commission Rules (NMRA 2020), the Commission must receive your response within twenty-one (21) days of your receipt of this notice.

Sincerely yours,


Joyce E. Bustos
Chair

CERTIFICATE OF MAILING

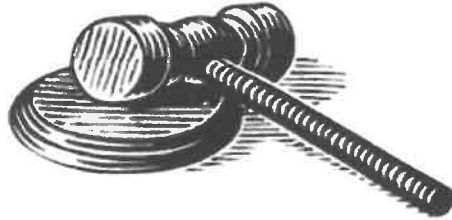
I hereby certify that a true copy of the foregoing was mailed on the 20th day of December 2021, by certified mail, return receipt requested to:

Hon. John M. Burns
Tatum Municipal Court
121 W. Broadway St.
Tatum, NM 88267



Tatum Municipal Court

Judge John M. Burns



FILED

JAN 06 2022

Jg

**NM JUDICIAL
STANDARDS COMMISSION**

2021-075

P.O. BOX 156~~120 W. Broadway Tatum, New Mexico 88267

Phone: (575) 398-8880~~Fax: (575) 398-8881

January 4, 2022

To Whom It May Concern:

RE: Rolando Ordonez

Mr. Ordonez called on October 7, 2021, for his arraignment on the phone. I advised him of his rights and options. I advised about CDL violations 66-5-69-1, as I do all defendants with a CDL. I advised Mr. Ordonez to talk to a lawyer about his options and to get back to me. I told him about the evidence the officer would probably introduce, so his best bet is to talk to a lawyer. I never advised Mr. Ordonez to plead guilty to avoid a trial at that time, as Mr. Ordonez told me to set up a court date.

On December 2, 2021, at 3:00 p.m., we had a telephone trial with Judge John Burns, Mr. Ordonez, and Officer Ryan Munoz city prosecutor. Officer Ryan Munoz came up with a plea to pay \$151.00 to the Town of Tatum, then dismiss the citation. The court agreed to the plea. At no time did the Judge or Prosecutor attempt to dissuade the defendant. Mr. Ordonez agreed to the plea.

About Mr. Ordonez connection with the Judicial Standard Commission, in my 20 years I have not had someone try to sway my decision before a court date. I know my clerk worked with you and Mr. Ordonez as best she could. I tried to call and talk with Evonne Sanchez but there was no answer, and her mailbox was full.

I try to be fair with everyone that comes in with a traffic citation, because I know that is their livelihood. I would like to get back to person-to-person trials and arraignments.

Sincerely,

John M Burns

John M Burns

Tatum Municipal Judge

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Exhibit 5