

  
Joey D. Moya

IN THE SUPREME COURT  
OF THE STATE OF NEW MEXICO

No.

S-1-SC-37354

IN THE MATTER OF HON. SAMANTHA MADRID  
Doña Ana County Magistrate Court, Las Cruces, New Mexico

INQUIRIES CONCERNING HON. SAMANTHA MADRID  
Inquiry Nos. 2017-168 & 2018-001

**FILED UNDER SEAL**

PURSUANT TO 27-104(B) NMRA 2011

PETITION TO ACCEPT STIPULATION AGREEMENT AND  
CONSENT TO DISCIPLINE

JUDICIAL STANDARDS COMMISSION  
Post Office Box 27248  
Albuquerque, New Mexico 87125-7248  
(505) 222-9353  
Fax: (505) 222-9358

HON. SAMANTHA MADRID  
Post Office Box 803  
Las Cruces, New Mexico 88004  
(575) 528-0091  
Email: carnela7@gmail.com

RANDALL D. ROYBAL  
*Executive Director & General Counsel*

*Respondent*

PHYLLIS A. DOMÍNGUEZ  
*Deputy Director*

*Counsel for Petitioner*

IN THE SUPREME COURT  
OF THE STATE OF NEW MEXICO

No.

IN THE MATTER OF HON. SAMANTHA MADRID  
Doña Ana County Magistrate Court, Las Cruces, New Mexico

INQUIRIES CONCERNING HON. SAMANTHA MADRID  
Inquiry Nos. 2017-168 & 2018-001

**FILED UNDER SEAL**

PURSUANT TO 27-104(B) NMRA 2011

**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 *Stipulation Agreement and Consent to Discipline* ("*Stipulation*"), attached hereto as **Exhibit 1**, in which Respondent, Hon. Samantha Madrid, consents to discipline from the Supreme Court. In addition, the Commission requests the Court unseal the entire file in this matter, pursuant to Rule 27-104(B) NMRA 2017.

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 Article VI, Section 32 of the New Mexico Constitution; the Court's power of superintending control under Article VI, Section 3 of the New Mexico Constitution; and, Rule 38 of the Judicial Standards Commission's Rules.

2. The Commission issued a *Notice of Preliminary Investigation* to Respondent in consolidated Inquiry Numbers 2017-168 and 2018-001 on February 15, 2018, attached hereto as Exhibit 2.

3. On April 13, 2018, the Commission issued an *Amended Notice of Preliminary Investigation* to Respondent in consolidated Inquiry Numbers 2017-168 and 2018-001, attached hereto as Exhibit 3.

4. A *Notice of Formal Proceedings* was filed on June 11, 2018 in consolidated Inquiry Numbers 2017-168 and 2018-001, attached hereto as Exhibit 4.

5. Upon majority vote of the Commissioners, the Commission entered into a *Stipulation* with the Respondent on November, 1 2018, which provides in pertinent part the following:

A. Respondent consents to imposition of the following discipline by the Supreme Court: **Public Censure**, which shall be published in the New Mexico *Bar Bulletin*.

B. Regarding consolidated Inquiry Numbers 2017-168 and 2018-001, Respondent admits that she committed the following acts:

(1) On November 20, 2017, Respondent failed to be patient, dignified and courteous to an alleged victim of domestic violence when Respondent refused to allow an emergency bathroom break for the alleged victim who had started her menses just prior to resuming her testimony;

(2) On November 20, 2017, Respondent failed to be patient, dignified and courteous to Assistant District Attorney Cassandra Brulotte when Respondent ignored Ms. Brulotte's requests to approach the bench in order to alert Respondent to the alleged victim's need for an emergency bathroom break. Ms. Brulotte approached the bench without permission to inform Respondent that the alleged victim started her menses and needed an emergency bathroom break, which Respondent denied.

(3) On November 20, 2017, Respondent failed to maintain order and decorum in the courtroom when Respondent failed to excuse the jury after the alleged victim's testimony and allowed them to observe the removal of the witness chair, which was stained with the alleged victim's menstrual blood, and allowed them to wait in the courtroom until the witness chair was replaced.

(4) On or about November 20, 2017, Respondent failed to comply with the law when, without good cause, Respondent kept and read the jurors' notes in the matter of *State of New Mexico v. George Daniel Diaz*, Case No. M-15-VM-201600030.

(5) On December 18, 2017, Respondent prepared a witness statement for Court Interpreter Olga Galindo which Ms. Galindo reviewed and signed. The statement detailed the events concerning the request for an emergency bathroom break which Ms. Galindo witnessed, during the trial in the matter of *State of New Mexico v. George Daniel Diaz*, Case No. M-15-VM-201600030. Respondent did not tell Ms. Galindo the

purpose or intended use of the statement. Ms. Galindo specifically asked Respondent to tell her if Respondent was going to disclose the statement, to which Respondent agreed she would. Respondent disclosed the statement, but did not inform Ms. Galindo that she had done so.

6. Respondent admits that she violated Rules 21-101, 21-102, 21-205(A) and 21-208(B) of the Code of Judicial Conduct. NMRA 2012.

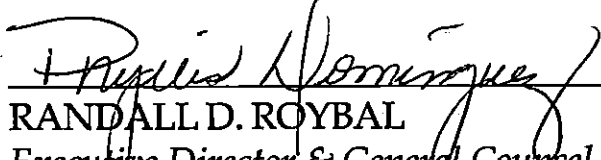
7. Upon Order from this Court, the attached *Stipulation* is enforceable by the Commission before the Supreme Court.

8. It is in the best interest of justice and integrity of the New Mexico judiciary that the Supreme Court grants this Petition.

WHEREFORE, Petitioner respectfully requests this Court issue an order granting the Commission's Petition approving the *Stipulation Agreement and Consent to Discipline* and unsealing the file in this matter pursuant to Rule 27-104(B) NMRA 2017.

Respectfully submitted,

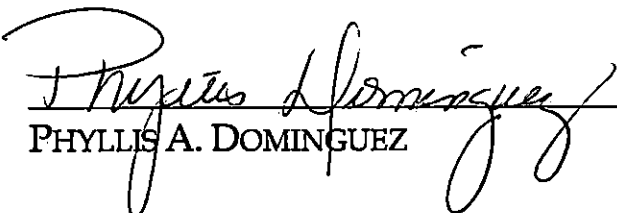
JUDICIAL STANDARDS COMMISSION

  
\_\_\_\_\_  
RANDALL D. ROYBAL  
*Executive Director & General Counsel*

PHYLLIS A. DOMINGUEZ  
*Deputy Director*  
P.O. Box 27248  
Albuquerque, NM 87125-7248  
Telephone: (505) 222-9353  
Fax: (505) 222-9358

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was filed and served via the Court's Electronic Filing and Service System addressed to Hon. Samantha Madrid, on this 1<sup>st</sup> day of November 2018.

  
\_\_\_\_\_  
PHYLLIS A. DOMINGUEZ

BEFORE THE JUDICIAL STANDARDS COMMISSION  
OF THE STATE OF NEW MEXICO

**FILED**

NOV 01 2018

NM JUDICIAL

STANDARDS COMMISSION

INQUIRY CONCERNING HON. SAMANTHA MADRID  
Doña Ana County Magistrate Court

Inquiry Nos. 2017-168 and 2018-001

**STIPULATION AGREEMENT AND CONSENT TO DISCIPLINE**

THESE MATTERS are currently pending before the Judicial Standards Commission ("Commission") pursuant to the *Notice of Preliminary Investigation* issued on February 15, 2018 and the *Notice of Formal Proceedings* issued on June 11, 2018 in Inquiry Nos. 2017-168 and 2018-001.

1. This *Stipulation Agreement and Consent to Discipline* ("*Stipulation*") is entered into by and between the Judicial Standards Commission and Hon. Samantha Madrid ("*Respondent*"). Respondent is appearing *pro se*. The parties hereby enter into the following *Stipulation*:

Respondent admits to the following acts:

a. On or about November 20, 2017, Respondent failed to be patient, dignified and courteous to an alleged victim of domestic violence when Respondent refused to allow an emergency bathroom break for the alleged victim who had started her menses just prior to resuming her testimony in the matter of *State of New Mexico v. George Daniel Diaz*, Case No. M-15-VM-201600030.

The alleged victim, a Spanish speaker, was recalled to the stand following a short recess. When the alleged victim stood up to take the stand, she realized that she started her menses and immediately told the victim advocate, a Spanish speaker, that she needed to go to the bathroom. The victim advocate then told Assistant District Attorney Cassandra Brulotte that the alleged victim needed an emergency bathroom break because she had started her period. The victim advocate walked the alleged victim to the stand. Ms. Brulotte asked to approach the bench, but Respondent did not acknowledge Ms. Brulotte's request. Ms. Brulotte approached the bench, told Respondent that the alleged victim had

Exhibit

1



started her period, and asked Respondent for an emergency bathroom break which Respondent denied. The emergency bathroom break was requested immediately following a ten (10) minute bathroom break and while the jury was being seated. The victim advocate interpreted the conversation between Respondent and Ms. Brulotte for the alleged victim and, when the alleged victim sat up in the witness chair to listen, the victim advocate noticed blood on the chair. Because there was blood on the witness chair and because the emergency bathroom break was denied, the victim advocate asked the court interpreter to walk behind the alleged victim after she finished her testimony to prevent the defendant, jurors and others present in the courtroom from seeing blood on the alleged victim's skirt. While the alleged victim was leaving the stand, and in the presence of the jury, a public defender observed blood running down the alleged victim's leg.

b. On or about November 20, 2017, Respondent failed to be patient, dignified and courteous to Assistant District Attorney Cassandra Brulotte when Respondent ignored Ms. Brulotte's requests to approach the bench in order to alert Respondent to the alleged victim's need for an emergency bathroom break. Ms. Brulotte approached the bench without permission to inform Respondent that the alleged victim started her menses and needed an emergency bathroom break, which Respondent denied.

c. On or about November 20, 2017, Respondent failed to maintain order and decorum in the courtroom when Respondent failed to excuse the jury after the alleged victim's testimony and allowed them to observe the removal of the witness chair, which was stained with the alleged victim's menstrual blood, and allowed them to wait in the courtroom until the witness chair was replaced.

d. On or about November 20, 2017, Respondent failed to comply with the law when, without good cause, Respondent kept and read the jurors' notes in the matter of *State of New Mexico v. George Daniel Diaz*, Case No. M-15-VM-201600030.

e. On December 18, 2017, Respondent prepared a witness statement for Court Interpreter Olga Galindo which Ms. Galindo reviewed and signed. The statement detailed the events concerning the request for an emergency bathroom break which Ms. Galindo witnessed during the trial in the matter of *State of New Mexico v. George Daniel Diaz*, Case No. M-15-VM-201600030. Respondent did not tell Ms. Galindo the purpose or intended use of the statement. Ms. Galindo specifically asked Respondent to tell her if Respondent was going to disclose the

statement, to which Respondent agreed she would. Respondent disclosed the statement, but did not inform Ms. Galindo that she had done so.

2. Respondent admits that she failed to be patient, dignified and courteous; failed to maintain order and decorum in the courtroom; failed to comply with the law; and disclosed a court interpreter's statement without informing the court interpreter prior to the disclosure as Respondent had agreed to do. Respondent denies that she engaged in willful misconduct and further denies any malice, corrupt purpose, or dishonesty. Respondent acknowledges, however, that the facts support a conclusion that she violated the Code of Judicial Conduct and Respondent knew or should have known that her actions would reflect negatively upon the integrity of and respect for the judiciary, and that such conduct falls within the Supreme Court's definition of bad faith.

3. Respondent admits that she violated the Code of Judicial Conduct Rules 21-101, 21-102, 21-205(A), and 21-208(B).

4. Respondent understands and agrees that by entering into this *Stipulation* Respondent will be giving up her rights to a formal hearing on the merits and to confront, cross-examine and compel the attendance of witnesses regarding these issues. Respondent stipulates that the Commission has sufficient evidence to prove the facts presented in this *Stipulation* and to conclude that individually and taken together the facts constitute willful misconduct in office, one or more violations of the New Mexico Code of Judicial Conduct, and provide sufficient bases for the New Mexico Supreme Court to impose discipline against her pursuant to Article VI, Section 32 of the New Mexico Constitution.

5. Respondent consents to imposition of the following discipline by the Supreme Court: Public Censure, which shall be published in the New Mexico *Bar Bulletin*.

6. Pursuant to Rule 27-104(B) NMRA 2011, the Commission will file under seal with the New Mexico Supreme Court, a *Petition to Accept Stipulation Agreement and Consent to Discipline* ("*Petition*"), attaching a copy of this *Stipulation* and a copy of the *Notice of Formal Proceedings* issued in Inquiry Nos. 2017-168 and 2018-001, which is required by the Supreme Court.

7. Upon granting the *Petition*, pursuant to Supreme Court Rules, the matter will be unsealed.

8. Upon granting of the *Petition* by the Supreme Court, the Commission will close the matter.

9. The parties agree that each shall bear their own expenses of these proceedings.

10. This *Stipulation* is specifically enforceable by the Commission before the Supreme Court.

11. 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.

12. Respondent shall not make any misrepresentations to the media concerning these matters (Inquiry Nos. 2017-168 and 2018-001), the facts and circumstances of Respondent's *Stipulation*, or the Commission's proceedings.

13. This document is not enforceable unless fully executed by all parties.

14. The Commission and Respondent shall take all actions necessary to carry out and fulfill the terms and conditions of this *Stipulation*.

15. Non-Compliance and Breach. If Respondent violates any terms or provisions of this executed *Stipulation*, Respondent agrees that all facts and charges alleged in the *Notice of Formal Proceedings* issued in Inquiry Nos. 2017-168 and 2018-001 including those facts not admitted to in this *Stipulation*, shall be deemed admitted by the Respondent, will be used against Respondent in future proceedings before the Commission and the Supreme Court, and shall

constitute obstruction of Commission business and contempt. Further, if Respondent's conduct causes a *Notice of Formal Proceedings* to be issued in a new matter that involves the same type of conduct detailed in this *Stipulation* and the conduct alleged occurs within one (1) year on or after the date this *Stipulation* is filed, the Commission shall issue an Order to Show Cause why Respondent should not be summarily suspended by the Supreme Court until the new matter is resolved.

16. The terms and conditions contained in this *Stipulation* are mutually acceptable to and agreed upon by all parties.

17. 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 & APPROVAL

I have read and understand this *Stipulation*. I have had the opportunity to discuss this matter and my rights with a lawyer. I know, understand, and agree that the provisions of this *Stipulation* are material to the Commission's deliberations and ultimate acceptance of it. I also understand and agree that by entering into this *Stipulation*, I am agreeing to abide by all the terms and provisions contained herein. I understand that if I violate any terms or provisions of this *Stipulation* in any manner, I agree, acknowledge, and accept that all allegations lodged against me in the *Notice of Formal Proceedings* issued in Inquiry Nos. 2017-168 and 2018-001 will be considered admitted by me as fact, and that the Commission shall re-initiate all matters pending before the Supreme Court and/or the Commission at the time this *Stipulation* was executed. I further understand that if my conduct causes a *Notice of Formal Proceedings* to be issued in a new matter that involves the same type of conduct detailed in this *Stipulation* and the conduct alleged occurs on or after the date this *Stipulation* is filed, I agree that I shall be summarily suspended without pay by the Supreme Court until the new matter is resolved.

I acknowledge that my conduct concerning the enumerated facts and the violations of the specified rules of Code of Judicial Conduct to which I admit, provide sufficient bases for the imposition of discipline pursuant to Article VI, Section 32 of the New Mexico Constitution, as agreed to in this *Stipulation*, and are material to the Commission's deliberations and ultimate acceptance of this *Stipulation Agreement and Consent to Discipline*.

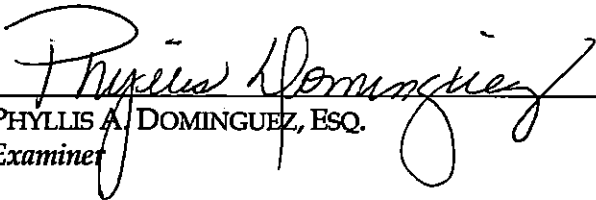
  
HON. SAMANTHA MADRID

Dated: 10/31/18

Respondent

**EXAMINER'S REVIEW & APPROVAL**

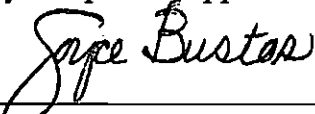
I have reviewed this *Stipulation* and find that it is appropriate and in the best interest of justice. I hereby recommend that the Judicial Standards Commission accept and approve this *Stipulation Agreement and Consent to Discipline*.

  
\_\_\_\_\_  
PHYLLIS A. DOMINGUEZ, ESQ.  
Examiner

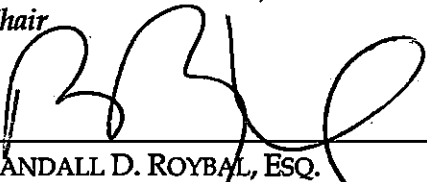
Dated: 11/1/18

**JUDICIAL STANDARDS COMMISSION 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 Agreement and Consent to Discipline*.

  
\_\_\_\_\_  
JOYCE BUSTOS  
Chair

Dated: 11/1/18

  
\_\_\_\_\_  
RANDALL D. ROYBAL, ESQ.  
Executive Director & General Counsel

Dated: 11/1/18



STATE OF NEW MEXICO  
JUDICIAL STANDARDS COMMISSION

POST OFFICE BOX 27248  
ALBUQUERQUE, NEW MEXICO 87125-7248  
(505) 222-9353  
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RANDALL D. ROYBAL  
*Executive Director & General Counsel*

PHYLLIS A. DOMINGUEZ  
*Investigative Trial Counsel*

DEBORAH BORIO  
*Investigative Trial Counsel*

February 15, 2018

CONFIDENTIAL  
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Hon. Samantha Madrid  
Dona Ana County Magistrate Court  
110 Calle de Alegra  
Las Cruces, New Mexico 88005

**FILED**

FEB 15 2018

**NM JUDICIAL  
STANDARDS COMMISSION**

*Re: Inquiry Nos., 2017-168 & 2018-001, Notice of Preliminary Investigation*

Dear Judge Madrid:

The above-referenced matter came before the Judicial Standards Commission on either a verified complaint or the Commission's own motion. As part of a preliminary investigation pursuant to Rule 14(F) of the Judicial Standards Commission Rules (NMRA 2010), the Commission requires that you provide a written explanation as to the matters discussed below.

It has been alleged that:

You failed to preserve order and decorum in the court; failed to be patient, dignified and courteous to an assistant district attorney; failed to be patient, dignified and courteous to a victim of domestic violence; violated the Victims of Crime Act; and caused disruption and delay during the proceedings in the matter of *State v. George Daniel Diaz*, M-15-VM-201600030.

You ignored Assistant District Attorney Cassandra Brulotte's requests for an emergency bathroom break for the victim who started menstruating just prior to resuming the stand. Your lack of courtesy to the victim resulted in her embarrassment and humiliation. Because she was not excused from court, Ms. Herrera had to rinse out her garments in a public bathroom and had to return to the court room which resulted in blood stains on court room benches.

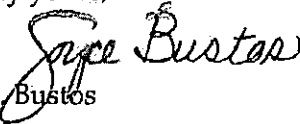
Jurors were present when you failed to acknowledge Cassandra Brulotte's request to remove the bloody chair from the courtroom prior to the next witness taking the stand. You stood up, looked at the witness chair, and exhibited what was described as a look of disgust. Ms. Brulotte, with help from the next witness, removed the bloody chair and replaced it with a chair from another courtroom. After trial you asked Ms. Brulotte where the chair was and said words to the effect: "I guess I'll have to clean it since technically it was my fault."



Please provide the Commission with an explanation of this incident and the factual and legal bases for your conduct. Your response to this letter must be submitted in writing and must include an explanation and disclosure of all pertinent facts, including any relevant documents regarding the matters outlined herein. The Commission must receive your response within twenty-one (21) days of your receipt of this letter.

Sincerely yours,

Joyce E. Bustos  
Chair



CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing was mailed on the 15<sup>th</sup> day of February 2018, by certified mail, return receipt requested to:

Hon. Samantha Madrid  
Dona Ana County Magistrate Court  
110 Calle de Alegra  
Las Cruces, New Mexico 88005



SHARIESSE T. MCCANNON  
CLERK OF THE COMMISSION



STATE OF NEW MEXICO  
JUDICIAL STANDARDS COMMISSION

POST OFFICE BOX 27248  
ALBUQUERQUE, NEW MEXICO 87125-7248  
(505) 222-9353  
WWW.NMJSC.ORG

RANDALL D. ROYBAL  
*Executive Director & General Counsel*

PHYLLIS A. DOMINGUEZ  
*Investigative Trial Counsel*

DEBORAH BORIO  
*Investigative Trial Counsel*

April 13, 2018

CONFIDENTIAL  
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Hon. Samantha Madrid  
Dona Ana County Magistrate Court  
110 Calle de Alegria  
Las Cruces, New Mexico 88005

Re: Inquiry Nos., 2017-168 & 2018-001

Dear Judge Madrid:

**FILED**  
APR 13 2018  
NM JUDICIAL  
STANDARDS COMMISSION

The Commission reviewed your response to the *Notice of Preliminary Investigation* and, pursuant to that review, to your own admission in your response, and to Rule 14(F) of the Judicial Standards Commission Rules (NMRA 2010), the Commission requires that you provide a written explanation as to the matter discussed below.

You retained, read and were prepared to disclose jurors' notes in the matter of *State v. George Daniel Diaz*, M-15-VM-201600030. Please refer to Uniform Jury Instruction 14-101, Note Taking Permitted, and referenced footnote #3 attached.

Please provide the Commission with an explanation of this incident and the factual and legal bases for your conduct. Your response to this letter must be submitted in writing and must include an explanation and disclosure of all pertinent facts, including any relevant documents regarding the matters outlined herein. The Commission must receive your response within twenty-one (21) days of your receipt of this letter.

Sincerely yours,

Joyce E. Bustos  
Chair

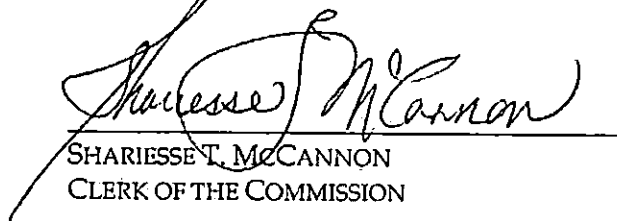




CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing was mailed on the 13<sup>th</sup> day of April 2018, by certified mail, return receipt requested to:

Hon. Samantha Madrid  
Dona Ana County Magistrate Court  
110 Calle de Alegra  
Las Cruces, New Mexico 88005

  
SHARIESSE T. MCCANNON  
CLERK OF THE COMMISSION

BEFORE THE JUDICIAL STANDARDS COMMISSION  
OF THE STATE OF NEW MEXICO

INQUIRY CONCERNING HON. SAMANTHA MADRID  
Doña Ana County Magistrate Court, New Mexico

Inquiry Nos. 2017-168 & 2018-001

FILED

JUN 11 2018

NM JUDICIAL  
STANDARDS COMMISSION

NOTICE OF FORMAL PROCEEDINGS

TO: Hon. Samantha Madrid  
Doña Ana County Magistrate Court  
110 Calle de Alegra  
Las Cruces, New Mexico 88005

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 Rule 15 NMRA 2010 of the Judicial Standards Commission Rules, has instituted formal proceedings on the allegations set forth below.

COUNT 1

On or about November 20, 2017, you failed to be patient, dignified and courteous to an alleged victim of domestic violence who had started her menses when you refused to allow her an emergency bathroom during trial in the matter of *State of New Mexico v. George Daniel Diaz*, Case No. M-15-VM-201600030.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102 and 21-208(B) NMRA 2012, the Victims of Crime Act, and constitutes willful misconduct in office.



COUNT 2

On or about November 20, 2017, you failed to be patient, dignified and courteous to Assistant District Attorney Cassandra Brulotte when Ms. Brulotte twice requested to approach the bench because an emergency situation had arisen which required your immediate attention and you ignored her requests to approach in the matter of *State of New Mexico v. George Daniel Diaz*, Case No. M-15-VM-201600030.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102 and 21-208(B) NMRA 2012 and constitutes willful misconduct in office.

COUNT 3

On or about November 20, 2017, you failed to maintain order and decorum by failing to dismiss the jury during the trial in *State of New Mexico v. George Daniel Diaz*, Case No. M-15-VM-201600030 when, after the alleged victim testified and menstrual blood was left on the chair, the jury was present while the bloody chair was removed from the courtroom and a replacement chair was found.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102 and 21-208(A)(B) NMRA 2012 and constitutes willful misconduct in office.

COUNT 4

On or after November 20, 2017, you failed to comply with the law when, without good cause and contrary to Uniform Jury Instruction 14-101, you kept and read the jurors' notes in the matter of *State of New Mexico v. George Daniel Diaz*, Case No. M-15-VM-201600030.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102 and 21-205(A) NMRA 2012, and constitutes willful misconduct in office.

**COUNT 5**

On or after November 20, 2017, you presented the appearance of impropriety when you asked Court Interpreter Olga Galindo if you had done anything inappropriate, or if you were rude to anyone during the trial in *State of New Mexico v. George Daniel Diaz*, Case No. M-15-VM-201600030, and subsequently prepared a witness statement for Ms. Galindo which you asked her to sign without telling her the purpose and intended use of the statement.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102 and 21-103 NMRA 2012 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:

*Clerk of the Commission  
Judicial Standards Commission  
Post Office Box 27248  
Albuquerque, New Mexico 87125-7248*

Your answer should be legible and your signature must be verified.

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 privileged 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: Joyce E. Bustos  
Joyce E. Bustos, Chair  
Post Office Box 27248  
Albuquerque, NM 87125-7248  
(505) 222-9353

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was sent certified mail returned receipt requested on this 11<sup>th</sup> day of June 2018 to the following:

Hon. Samantha Madrid  
Doña Ana County Magistrate Court  
110 Calle de Alegria  
Las Cruces, New Mexico 88005

Shariesse T. McCannon  
SHARIESSE T. MCCANNON  
CLERK OF THE COMMISSION