

  
Joey D. Moya

IN THE SUPREME COURT  
OF THE STATE OF NEW MEXICO

No.

**S-1-SC-37561**

IN THE MATTER OF HON. STEVE GUTHRIE  
Otero County Magistrate Court, Alamogordo, New Mexico

INQUIRY CONCERNING HON. STEVE GUTHRIE  
Inquiry No. 2018-031

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

PETITION TO ACCEPT STIPULATION AGREEMENT AND  
CONSENT TO DISCIPLINE

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*

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*Deputy Director*

*Counsel for Petitioner*

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Jordy L. Stern, Esq.  
1905 Wyoming Blvd. NE  
Albuquerque, New Mexico 87112-2865  
(505) 275-3200  
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*Counsel for Respondent*

IN THE SUPREME COURT  
OF THE STATE OF NEW MEXICO

No.

IN THE MATTER OF HON. STEVE GUTHRIE  
Otero County Magistrate Court, Alamogordo, New Mexico

INQUIRY CONCERNING HON. STEVE GUTHRIE  
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**FILED UNDER SEAL**  
PURSUANT TO 27-104(B) NMRA

**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*”), imposing the agreed upon discipline, and ordering Hon. Steve Guthrie (“Respondent”) to abide by the terms of the *Stipulation*, which is attached as **Exhibit 1**. In addition, the Commission requests the Court unseal the entire file in this matter, pursuant to Rule 27-104(B) NMRA.

1. The Commission invokes its jurisdiction pursuant to its 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 Inquiry 2018-031 on June 8, 2018. (See **Exhibit A** to **Exhibit 1**)

3. A *Notice of Formal Proceedings* was filed on August 29, 2018 in Inquiry 2018-031. (See **Exhibit B** to **Exhibit 1**)

4. Respondent filed his response to the *Notice of Preliminary Investigation* on July 11, 2018. (See **Exhibit C** to **Exhibit 1**)

5. Respondent filed his response to the *Notice of Formal Proceedings* on September 25, 2018. (See **Exhibit D** to **Exhibit 1**)

6. Upon a majority vote of the Commissioners, the Commission entered into a *Stipulation* with the Respondent on February 27, 2019, 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. Respondent admits that he committed the following acts:

(1) Respondent and his wife, Kim Guthrie, were next door neighbors with Leticia Coyazo and Ysidro "Chico" Coyazo for many years. In Judge Guthrie's opinion, the conflict emanated from the Coyazo grandchildren's bouncing basketballs on the public sidewalk outside the Coyazo home. In the Coyazos' opinion, the conflict began when Judge Guthrie parked his vehicle in front of the Coyazo home to prevent the Coyazos' grandchildren from playing basketball. The dispute surfaced episodically and resulted in the Coyazos filing several police reports, and resulted in the Guthries' decision to permanently move from their residence in October 2018.

(2) On October 13, 2017 and April 20, 2018, Respondent parked his personal vehicle in front of his next door neighbor Leticia Coyazo's home to prevent Ms. Coyazo's grandchildren from playing basketball.

(3) On November 15, 2017, Respondent told Leticia Coyazo words to the effect, "If I hear the basketball bounce one more time I am going after Chico's disability." Ysidro "Chico" Coyazo is Leticia Coyazo's husband and a disabled veteran who receives a monthly disability check. Ms. Coyazo considered this a threat and called the Alamogordo Police Department. Alamogordo

Police Officer Mauricio Puente responded to the call. Respondent was interviewed and told Officer Puente, "what he meant about going after Ms. Coyazos [sic] retirement was that he was going to report her husband to the authority [sic] because her husband was doing things he is not supposed to be doing while on retirement/disability."

(4) On April 20, 2018, Respondent parked his vehicle in front of Leticia Coyazo's home, eleven (11) feet away from a fire hydrant in violation of Alamogordo City Ordinance 12-6-1.1 which requires vehicles to be parked fifteen (15) feet away from a fire hydrant. Alamogordo Police Officer Edgar Soto was dispatched to the Coyazo home, measured the distance between the truck bumper and the fire hydrant which was only eleven (11) feet, and ran the license plate of the vehicle which returned as registered to Respondent. Officer Soto instructed Respondent to move his vehicle and Respondent complied.

(5) On July 6, 2018, Leticia Coyazo called police officers to file a complaint against Respondent's wife, Kim Guthrie, for spraying water at Ms. Coyazo's video surveillance cameras. While Alamogordo Police Officer Marcelino Esquero was conducting his investigation, he witnessed Respondent mimicking playing a violin and heard Respondent state, "Its [sic] against the law to water on Fridays [sic]."

(6) A sign was posted on the Guthrie home which read, "All cameras are fake do you think I would spend money to watch you LOL \$\$\$\$ LOL." Leticia Coyazo believes the Guthries' sign was in

response to Ms. Coyazo's installation of video surveillance cameras outside her home, and subsequent to the Guthries' installation of video surveillance cameras outside their home.

(7) Respondent met with Acting Alamogordo Police Chief Roger Schoolcraft at the Alamogordo Police Station, explained his issue with the Coyazos' grandchildren and told Chief Schoolcraft words to the effect that "police officers are not doing enough about the noise."

7. Respondent does not contest that the Commission has sufficient facts and evidence to prove by clear and convincing evidence that he engaged in willful misconduct by committing the acts in paragraph 6 above, and that he violated the Code of Judicial Conduct Rules 21-101 and 21-102 NMRA 2012.

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


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

WHEREFORE, Petitioner respectfully requests this Court issue an order granting the Commission's Petition, approving the *Stipulation*, imposing the agreed upon discipline, ordering Respondent to abide by the

terms of the *Stipulation*, and unseal the file in this matter pursuant to Rule 27-104(B) NMRA.

Respectfully submitted,

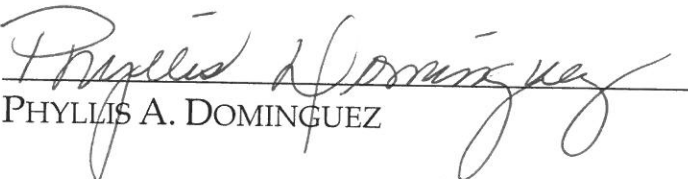
JUDICIAL STANDARDS COMMISSION

  
\_\_\_\_\_  
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 Jordy L. Stern, Esq. on this 4th day of March 2019.

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

BEFORE THE JUDICIAL STANDARDS COMMISSION  
OF THE STATE OF NEW MEXICO

FILED

MAR - 4 2019

NM JUDICIAL  
STANDARDS COMMISSION

INQUIRY CONCERNING HON. STEVE GUTHRIE  
Otero County Magistrate Court

Inquiry No. 2018-031

STIPULATION AGREEMENT AND CONSENT TO DISCIPLINE

THIS MATTER is currently pending before the Judicial Standards Commission ("Commission") pursuant to the *Notice of Preliminary Investigation* issued on June 8, 2018, and the *Notice of Formal Proceedings* issued on August 29, 2018 in Inquiry No. 2018-031. (See Exs. A and B, respectively.) Hon. Steve Guthrie's ("Respondent") response to the *Notice of Preliminary Investigation* was filed on July 11, 2018, and his response to the *Notice of Formal Proceedings* was filed on September 25, 2018. (See Exs. C and D, respectively.)

1. This *Stipulation Agreement and Consent to Discipline* ("*Stipulation*") is entered into by and between the Commission and Respondent. Respondent is represented by Jordy L. Stern, Esq. of The Barnett Law Firm P.A. The parties hereby enter into the following *Stipulation*:

2. The Commission has jurisdiction over Respondent and the above-captioned and numbered matter pursuant to Article VI, Section 32 of the Constitution of the State of New Mexico; NMSA 1978, Sections 34-10-1 through 34-10-4; and the Judicial Standard Commission Rules.

3. Respondent is an Otero County magistrate court judge and was so at the times of the conduct alleged.

EX  
1



4. Respondent admits to the following acts:
- A. Respondent and his wife, Kim Guthrie, were next door neighbors with Leticia Coyazo and Ysidro "Chico" Coyazo for many years. In Judge Guthrie's opinion, the conflict emanated from the Coyazo grandchildren's bouncing basketballs on the public sidewalk outside the Coyazo home. In the Coyazos' opinion, the conflict began when Judge Guthrie parked his vehicle in front of the Coyazo home to prevent the Coyazos' grandchildren from playing basketball. The dispute surfaced episodically and resulted in the Coyazos filing several police reports, and resulted in the Guthries' decision to permanently move from their residence in October 2018.
  - B. On October 13, 2017 and April 20, 2018, Respondent parked his personal vehicle in front of his next door neighbor Leticia Coyazo's home to prevent Ms. Coyazo's grandchildren from playing basketball.
  - C. On November 15, 2017, Respondent told Leticia Coyazo words to the effect, "If I hear the basketball bounce one more time I am going after Chico's disability." Ysidro "Chico" Coyazo is Leticia Coyazo's husband and a disabled veteran who receives a monthly disability check. Ms. Coyazo considered this a threat and called the Alamogordo Police Department. Alamogordo Police Officer Mauricio Puente responded to the call. Respondent was interviewed and told Officer Puente, "what he meant about going after Ms. Coyazos [sic] retirement was that he was going to report her husband to the authority [sic] because her husband was doing things he is not supposed to be doing while on retirement/disability."
  - D. On April 20, 2018, Respondent parked his vehicle in front of Leticia Coyazo's home, eleven (11) feet away from a fire hydrant in violation of Alamogordo City Ordinance 12-6-1.1 which requires vehicles to be parked fifteen (15) feet away from a fire hydrant. Alamogordo Police Officer Edgar Soto was dispatched to the Coyazo home, measured the distance between the truck bumper and the fire hydrant which was only eleven (11) feet, and ran the license plate of the vehicle which returned as registered to Respondent. Officer Soto instructed Respondent to move his vehicle and Respondent complied.
  - E. On July 6, 2018, Leticia Coyazo called police officers to file a complaint against Respondent's wife, Kim Guthrie, for spraying water at Ms. Coyazo's video surveillance cameras. While Alamogordo Police Officer Marcelino Esquero was conducting his investigation, he witnessed Respondent mimicking playing a violin and heard Respondent state, "Its [sic] against the law to water on Fridays [sic]."

- F. A sign was posted on the Guthrie home which read, "All cameras are fake do you think I would spend money to watch you LOL \$\$\$\$ LOL." Leticia Coyazo believes the Guthries' sign was in response to Ms. Coyazo's installation of video surveillance cameras outside her home, and subsequent to the Guthries' installation of video surveillance cameras outside their home.
- G. Respondent met with Acting Alamogordo Police Chief Roger Schoolcraft at the Alamogordo Police Station, explained his issue with the Coyazos' grandchildren and told Chief Schoolcraft words to the effect that "police officers are not doing enough about the noise."

5. Respondent does not contest that the Commission has sufficient facts and evidence to prove by clear and convincing evidence that he engaged in willful misconduct by committing the acts in paragraph 4 above, and that he violated the Code of Judicial Conduct Rules 21-101 and 21-102 NMRA 2012.

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

7. 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*.

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

9. The Commission agrees to close the current proceeding in Inquiry No. 2018-031 upon granting of the *Petition* by the Supreme Court.

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 Commission's proceedings.

12. Respondent shall not make any misrepresentations to the media concerning this matter (Inquiry No. 2018-031), 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 No. 2018-031 shall be deemed admitted by the Respondent and will be used against Respondent in future proceedings before the Commission and the Supreme Court. 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 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 without pay 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 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 those issues. I stipulate 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 basis for the New Mexico Supreme Court to impose discipline against me pursuant to Article VI, Section 32 of the New Mexico Constitution.


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 No. 2018-031 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, the Commission shall issue an order to show cause why I should not be summarily suspended without pay by the Supreme Court until the new matter is resolved.

I acknowledge that my conduct concerning the enumerated facts to which I admit and the violations of the specified rules of Code of Judicial Conduct which I do not contest, 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*.

  
\_\_\_\_\_ Dated: 2-21-19  
HON. STEVE GUTHRIE  
*Respondent*

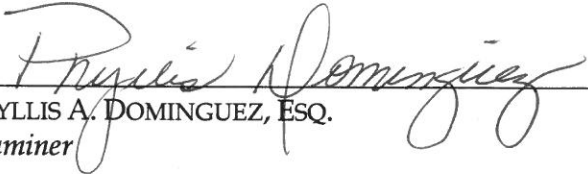
#### DEFENSE COUNSEL REVIEW

I have reviewed the stipulation agreement with my client. I have advised my client of his constitutional rights and possible defenses, and hereby approve my client's entry into this *Stipulation Agreement and Consent to Discipline*.

  
\_\_\_\_\_ Dated: 2-26-19  
JORDY L. STERN, ESQ.  
The Barnett Law Firm, P.A.  
1905 Wyoming Blvd. NE  
Albuquerque, NM 87112  
*Counsel for Respondent*

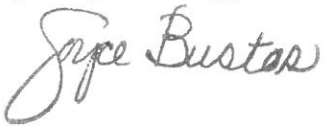
**EXAMINER'S REVIEW & APPROVAL**

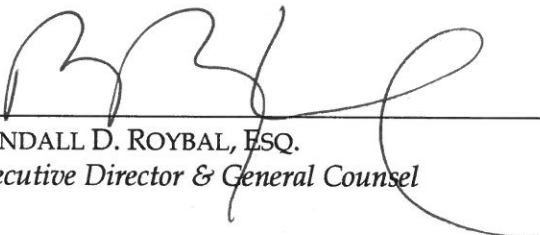
I have reviewed this *Stipulation* and find that it is appropriate and in the best interest of justice. I hereby recommend that the Judicial Standards Commission accept and approve this *Stipulation Agreement and Consent to Discipline*.

 Dated: 2/25/19  
PHYLLIS A. DOMINGUEZ, ESQ.  
Examiner

**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*.

 Dated: 2/27/19  
JOYCE BUSTOS  
Chair

 Dated: 3/4/19  
RANDALL D. ROYBAL, ESQ.  
Executive Director & General Counsel



STATE OF NEW MEXICO  
JUDICIAL STANDARDS COMMISSION

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RANDALL D. ROYBAL  
*Executive Director & General Counsel*

PHYLLIS A. DOMINGUEZ  
*Investigative Trial Counsel*

DEBORAH BORIO  
*Investigative Trial Counsel*

June 6, 2018

CONFIDENTIAL  
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Hon. Steve Guthrie  
Otero County Magistrate Court  
263 Robert H. Bradley Dr.  
Alamogordo, New Mexico 88310

*Re: Inquiry No. 2018-031, Notice of Preliminary Investigation*

Dear Judge Guthrie:

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 have failed to act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary and/or created an appearance of impropriety when you:

- inappropriately embroiled yourself in a dispute with the Coyazo family, your next door neighbors, because you do not want the Coyazo's grandchildren to play basketball outside the Coyazo's home.
- threatened your next door neighbor, Leticia Coyazo, when you stated words to the effect that, "she did not know all the trouble she was asking for," when she allowed her grandchildren to play basketball in front of her house.
- told Leticia Coyazo words to the effect, "[if] I hear that basketball bounce one more time I am going after Chico's disability." Ysidro "Chico" Coyazo is Leticia Coyazo's husband, and is a veteran who receives disability checks from the Veteran's Administration. You admitted that you made the above noted threat to Alamogordo Police Officer Mauricio Puentes.
- parked, or allowed your vehicles to be parked, in front of the Coyazo house in an effort to prevent Leticia Coyazo's grandchildren from playing basketball.

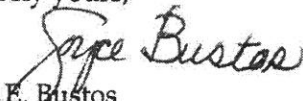
**FILED**  
JUN 08 2018  
NM JUDICIAL  
STANDARDS COMMISSION

EX  
A

- yelled and cursed at Leticia Coyazo and called her a fucking bitch.
- told Leticia Coyazo, after you parked your truck in front of her house and after she told you she thought that was illegal, words to the effect, "I don't give a shit, I can do what I want."
- drove past the Coyazo home and made a threatening gesture directed towards Leticia Coyazo's grandson who was playing basketball outside the home. You pointed your hand formed to mimic the shape of a gun at Ms. Coyazo's grandson.
- approached Alamogordo Police Acting Chief Roger Schoolcraft and told him that the police department was not doing enough about the noise issue at the Coyazo's home.

Please provide the Commission with an explanation of these incidences 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 8<sup>th</sup> day of June 2018, by certified mail, return receipt requested to:

Hon. Steve Guthrie  
Otero County Magistrate Court  
263 Robert H. Bradley Dr.  
Alamogordo, New Mexico 88310


  
SHARIESSE T. MCCANNON  
CLERK OF THE COMMISSION

BEFORE THE JUDICIAL STANDARDS COMMISSION  
OF THE STATE OF NEW MEXICO

INQUIRY CONCERNING HON. STEVE GUTHRIE  
Otero County Magistrate Court, Alamogordo, New Mexico

Inquiry No. 2018-031

**FILED**  
AUG 29 2018  
NM JUDICIAL  
STANDARDS COMMISSION



NOTICE OF FORMAL PROCEEDINGS

TO: Hon. Steve Guthrie  
c/o Barnett Law Firm, P.A.  
Colin Hunter, Esq.  
1905 Wyoming Blvd. N.E.  
Albuquerque, New Mexico 87112

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 charges set forth below.

COUNT 1

On or about October 13, 2017, you created an appearance of impropriety and/or eroded the public's confidence in the judiciary when you parked your personal vehicle near and/or in front of Leticia Coyazo's home to prevent Ms. Coyazo's grandchildren from playing basketball.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102 and 21-301(C) NMRA 2012, and constitutes willful misconduct in office.

COUNT 2

On or about October 13, 2017, you created an appearance of impropriety, eroded the public's confidence in the judiciary and/or failed to be patient, dignified and courteous

EX  
B



when, after Leticia Coyazo told you she thought it was illegal for you to park your personal vehicle in front of her house, you used profane and offensive language and replied to Ms. Coyazo stating words to the effect, "I don't give a shit, I can do what I want" and you called Ms. Coyazo a "fucking bitch."

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-208(B) and 21-301(C) NMRA 2012, and constitutes willful misconduct in office.

### COUNT 3

On or about October 13, 2017, you created an appearance of impropriety, eroded the public's confidence in the judiciary and/or failed to be patient, dignified and courteous when you threatened Leticia Coyazo with words to the effect that "you don't know all the trouble she was asking for," because Ms. Coyazo allowed her grandchildren to play basketball outside the Coyazo home.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-208(B), 21-301(C) and 21-301(D) NMRA 2012, and constitutes willful misconduct in office.

### COUNT 4

On or between October 20-22, 2017, you created an appearance of impropriety, eroded the public's confidence in the judiciary and/or failed to be patient, dignified and courteous when you approached your neighbor, Daniel Rodriguez, after Mr. Rodriguez

helped move the Coyazo's basketball goal down the street away from your house, and threatened Mr. Rodriguez stating words to the effect, "Being around that certain neighbor is going to bring trouble your way."

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-208(B), 21-301(C) and 21-301(D) NMRA 2012, and constitutes willful misconduct in office.

#### COUNT 5

On or about November 15, 2017, you created an appearance of impropriety, eroded the public's confidence in the judiciary and/or failed to be patient, dignified and courteous when you threatened Leticia Coyazo with words to the effect, "If I hear the basketball bounce one more time I am going after Chico's disability." Ysidro "Chico" Coyazo is Leticia Coyazo's husband and is a disabled veteran who receives monthly disability checks from the Veteran's Administration. Your actions caused Ms. Coyazo to call the Veteran's Administration to determine if you could interfere with her husband's disability checks.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-208(B), 21-301 (C) and 21-301(D) NMRA 2012, and constitutes willful misconduct in office.

#### COUNT 6

On or about November 15, 2017, you created an appearance of impropriety and/or eroded the public's confidence in the judiciary when you admitted to Alamogordo Police Officer Mauricio Puente that you told Leticia Coyazo that you would "go after Ms. [sic] Coyazos [sic] retirement," and that you "would maintain the peace."

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-208(B), 21-301(C) and 21-301(D) NMRA 2012, and constitutes willful misconduct in office.

**COUNT 7**

On or about March 8, 2018, you created an appearance of impropriety, eroded the public's confidence in the judiciary and/or failed to be patient, dignified and courteous when you drove past the Coyazo's home and pointed your fingers, which were in the shape of a gun, at Leticia Coyazo's grandchild.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-208(B) and 21-301(C) NMRA 2012, and constitutes willful misconduct in office.

**COUNT 8**

On or about April 20, 2018, you created an appearance of impropriety and/or eroded the public's confidence in the judiciary when you parked your personal vehicle near and/or in front of Leticia Coyazo's home blocking Ms. Coyazo's driveway in an effort to prevent her grandchildren from playing basketball.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102 and 21-301(C) NMRA 2012, and constitutes willful misconduct in office.

**COUNT 9**

On or about April 20, 2018, you created an appearance of impropriety and/or eroded the public's confidence in the judiciary when officers were called to the residence of Leticia Coyazo because you parked your vehicle near and/or in front of her driveway and

parked eleven (11) feet away from a fire hydrant instead of the fifteen (15) feet as required by Alamogordo City Ordinance 12-6-6.1.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102 and 21-301(C) NMRA 2012, and constitutes willful misconduct in office.

#### COUNT 10

On or about May 2, 2018, you created an appearance of impropriety, eroded the public's confidence in the judiciary and/or failed to be patient, dignified and courteous when you stood by your wife, Kim Guthrie, and laughed when your wife approached Leticia Coyazo at a public restaurant and stated words to the effect, "How are you doing, bitch?" and "I'm going to pray for you, bitch."

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-208(B) and 21-301(C) NMRA 2012, and constitutes willful misconduct in office.

#### COUNT 11

On or about June 9, 2018, you created an appearance of impropriety, eroded the public's confidence in the judiciary and/or failed to be patient, dignified and courteous when you called Leticia Coyazo's grandchildren "fucking little niggers," as her grandchildren rode their scooters past your house.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-203, 21-208(B) and 21-301(C) NMRA 2012, and constitutes willful misconduct in office.

**COUNT 12**

On or about June 30, 2018, you created an appearance of impropriety and eroded the public's confidence in the judiciary when you failed to follow, or refused to comply with, the City of Alamogordo's Stage 1 Water Rationing guidelines.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102 and 21-301(C) NMRA 2012, and constitutes willful misconduct in office.

**COUNT 13**

On or about July 3, 2018, you created an appearance of impropriety, eroded the public's confidence in the judiciary and/or failed to be patient, dignified and courteous when you approached Leticia Coyazo in a threatening manner, as Ms. Coyazo retrieved her grandchild's basketball which had rolled down the street in front of your house.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-208(B), 21-301(C) and 21-301(D) NMRA 2012, and constitutes willful misconduct in office.

**COUNT 14**

On or about July 6, 2018, you created an appearance of impropriety, eroded the public's confidence in the judiciary and/or failed to be patient, dignified and courteous when you mimicked playing a violin and told Leticia Coyazo, "quit your whining," or words to that effect, while Alamogordo Police Officer Marcelino Esquero was present at the Coyazo home to conduct an investigation regarding your spouse, Kim Guthrie, who sprayed Ms. Coyazo's video surveillance cameras with water.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-208(B), 21-301(C) and 21-301(D) NMRA 2012, and constitutes willful misconduct in office.

**COUNT 15**

You created an appearance of impropriety, eroded the public's confidence in the judiciary and/or failed to be patient, dignified and courteous when, after Leticia Coyazo installed video surveillance cameras at her house, you posted a sign on your house which read, "All cameras are fake do you think I would spend money to watch you LOL \$\$\$\$ LOL."

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-208(B) and 21-301(C) NMRA 2012, and constitutes willful misconduct in office.

**COUNT 16**

You created an appearance of impropriety and abused the prestige of judicial office when you met with Acting Alamogordo Police Chief Roger Schoolcraft at the Alamogordo Police Station, explained your issue with the Ms. Coyazo's grandchildren playing basketball, and told Chief Schoolcraft words to the effect that "police officers are not doing enough about the noise."

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-203 and 21-301 (C) NMRA 2012, and constitutes willful misconduct in office.

COUNT 17

On or between October 13, 2017 and July 6, 2018, you created an appearance and eroded the public's confidence in the judiciary by your continued behavior towards the Coyazo family which has resulted in nine (9) police reports being filed against you.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102 and 21-310(C) 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 20th day of August 2018 to the following:

Hon. Steve Guthrie  
c/o Barnett Law Firm, P.A.  
Colin Hunter, Esq.  
1905 Wyoming Blvd. N.E.  
Albuquerque, New Mexico 87112

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



# BARNETT LAW FIRM, P.A.

MICKEY D. BARNETT  
DIEGO R. ESQUIBEL  
COLIN L. HUNTER  
JORDY L. STERN

1905 WYOMING BLVD NE  
ALBUQUERQUE, NM 87112  
PHONE (505) 275-3200  
EMAIL: [INFO@THEBLF.COM](mailto:INFO@THEBLF.COM)  
[THEBARNETTLAWFIRM.COM](http://THEBARNETTLAWFIRM.COM)

July 10, 2018

Joyce E. Bustos, Chair  
State of New Mexico Judicial Standards Commission  
PO Box 27248  
Albuquerque, New Mexico 87125  
[jbustos@nmjsc.org](mailto:jbustos@nmjsc.org)

**FILED**

JUL 11 2018

NM JUDICIAL

STANDARDS COMMISSION

2018-031

**RE: Hon. Steve Guthrie's Response to Notice of Preliminary Investigation**

Dear Chair Bustos,

The Honorable Steve Guthrie, by and through his attorney, the Barnett Law Firm, P.A., hereby submits his response to the Judicial Standards Commission's Notice of Preliminary Investigation. Judge Guthrie takes his responsibility as a judicial officer of New Mexico seriously, and fully understands the judiciary's interest in maintaining public confidence in this independent branch of government. Unfortunately, the allegations stemming from Leticia Coyazo distort the facts and unfairly impugn the integrity of a judicial officer. This response will address the specific allegations in the June 6, 2018 Notice and shall conclude with a request for dismissal pursuant to Rule 33 of the Judicial Standards Commission Rules.

## **SPECIFIC RESPONSE**

### **I. Response to Allegation #1**

Judge Guthrie and his wife, Kim Guthrie have lived in their current Alamogordo residence for about 17 years, and only recently did their relationship with the Coyazo family deteriorate. Prior to this recent series of events, the Guthries enjoyed an amicable relationship with their next-door neighbors. The friction between the two neighbors first began in 2017, with

EX  
C

the unrelenting noise from the Coyazo's property disturbing the neighborhood.

In September 2017, Judge Guthrie approached Ysidro Coyazo to request that the basketball hoop be moved further away from the Guthrie's property, as its location was leading to the basketball hitting the Guthrie's vehicles. Mr. Coyazo agreed to move the hoop. In the following month, Kim Guthrie returned home following eye surgery. In attempting to rest, she was disturbed by the bouncing basketball and asked Leticia Coyazo twice if she could have her grandson stop playing basketball for the night. Ms. Coyazo did not stop the grandson's play and encouraged him to continue playing, to spite Ms. Guthrie. After these failed attempts, Judge Guthrie walked out of his residence and moved his truck to the end of the Guthrie's driveway in hopes of stopping the noisy play. Ms. Coyazo complained that the truck was blocking the sidewalk, at which time the Judge promptly moved the truck about one foot to exit the sidewalk.

#### **II. Response to Allegation #2**

Judge Guthrie denies this factual allegation and has no additional information with which to elaborate the denial.

#### **III. Response to Allegation #3**

This allegation paraphrases a comment made on or about November 15, 2017. Judge Guthrie never reported Mr. Coyazo to the Veteran's Administration. It is a mischaracterization to describe the comment as a "threat". It was merely a comment flowing from the feelings of frustration as the months' old noise problem continued to persist, despite repeated entreaties for it stop. The comment made to Officer Puente was not an admission of an alleged threat. The comment made to Officer Puente merely provided the context of the comment regarding Mr. Coyazo's disability payments. The comment regarding Mr. Coyazo's disability was not made with any serious intent to act. Had it been not for the repeated stress on my family from this on-

going dispute, I would not have made this comment.

**IV. Response to Allegation #4**

Judge Guthrie denies this allegation regarding this parking issue.

**V. Response to Allegation #5**

Judge Guthrie laments this allegation's inclusion in the Notice of Preliminary Investigation. Such a vulgarity is not characteristic of Judge Guthrie's interactions with others. Judge Guthrie does not recall making such a crude comment. While discussions with Ms. Coyazo may have been rigorous, this allegation is unfortunately another distortion.

**VI. Response to Allegation #6**

Judge Guthrie denies this allegation. Judge Guthrie commented on his ability to do what he wants on his own property, including parking where he likes in his own driveway. Ms. Coyazo complained when Judge Guthrie's truck was slightly breaching the sidewalk, at which complaint he moved the truck out of the sidewalk. This occurred approximately on or about October 13, 2017 in the early evening.

**VII. Response to Allegation #7**

Judge Guthrie denies this allegation. Judge Guthrie frequently drives by the Coyazo home when leaving or entering his neighborhood. Because of the Coyazo's young grandchildren, Judge Guthrie drives slowly by the Coyazo house out of concern for safety of the children, in case they were to dart into the road. Judge Guthrie has never contemplated making such a gesture to a child, let alone actually made the gesture.

**VIII. Response to Allegation #8**

Judge Guthrie did visit Alamogordo Police Acting Chief Roger Schoolcraft regarding the noise permit issued by the City of Alamogordo. Judge Guthrie advised Acting Chief Schoolcraft

that he was visiting as a concerned citizen and not a Judge. Alamogordo's Police Chief shares co-responsibility for issuing noise permits, and Acting Chief Schoolcraft personally signed the noise permit applied for by Ms. Coyazo. *See Exhibit A.* The permit cites to Section 11-05-270(4) of the Alamogordo Code of Ordinances, which is the provision in the criminal code prohibiting unreasonable noises. The relevant ordinance, however, applicable to the permit issued for four and a half months of bouncing basketballs was issued under Section 29, Zoning. Contrary to the plain reading of Section 29-01-090 of the Alamogordo Code of Ordinances, which restricts special event permits to ten days, this permit sanctioned noise for four months. *See Exhibit B.* The City of Alamogordo had no right to grant nor did Ms. Coyazo have a right to receive such a permit. Judge Guthrie was not attempting to exert any undue influence over the Acting Police Chief. Judge Guthrie was fully acting within the confines of judicial propriety when he met with Chief Schoolcraft, the person responsible for authorizing permits, to discuss a clearly erroneous permit.

#### **GENERAL RESPONSE**

Unfortunately, the conflict instigated by Ms. Coyazo has brought much stress and aggravation to the Guthrie family. The Guthrie's have contacted a realtor and made plans to leave the neighborhood they've called home for more than fifteen years. Ms. Coyazo has previously created tension in the neighborhood, and regrettably the Guthrie's are not the first family to leave on her account. Had reconciliation between the Coyazo and the Guthrie's been possible, such efforts would have been attempted before going to such lengths as moving permanently.

The allegations contained in this Response do not constitute grounds for discipline by the Commission. All the allegations arise from the alleged private conduct of Judge Guthrie, and not from any actions taken as a judicial officer. It cannot be reasonably expected that Judge Guthrie

could entirely extract himself from the conflict with his next-door neighbor, Ms. Coyazo, and his wife, Kim Guthrie. While the allegations only partially detail the on-going saga between these neighbors, Ms. Coyazo's antagonism towards Judge Guthrie stem in large part from her interactions with Kim Guthrie. Concerned over the Coyazo's grandson's frequent school day absence, Kim Guthrie contacted CYFD regarding possible neglect of the grandson. *See Exhibit C.* While the in-home visit confirmed that there was no neglect, Kim's referral to the state agency only further antagonized Ms. Coyazo. Ms. Coyazo also alleged that Kim Guthrie tried to hit her with a car. *See Exhibit D.* The responding Alamogordo police officer found no evidence of injuries to Ms. Coyazo, but again, this perceived attack engendered animosity between Ms. Coyazo and Kim Guthrie.


In the course of one year, the disputes between Ms. Coyazo and Ms. Guthrie have yielded more than a dozen police reports, some instituted by Ms. Coyazo and others by Ms. Guthrie. Understandably concerned over his wife's stress and the situation with the neighbors, Judge Guthrie's visit to Acting Chief Schoolcraft was well within the bounds of judicial conduct. Judge Guthrie visited Acting Chief Schoolcraft, who personally authorizes noise permits, regarding the impermissible noise permit issued for the house immediately next door to his property. Nothing within the Rules of Judicial Standards Commission prevents Judge Guthrie from exercising his constitutional right to petition his government and seek redress for he and his family.

#### **CONCLUSION**

Judge Guthrie requests that the Court dismiss this Preliminary Investigation pursuant to Rule 33. The allegations do not rise to the level of judicial discipline, and the relocation of his family to another neighborhood ensures that the conflict involving Ms. Coyazo shall end without further incident.

Respectfully submitted,

BARNETT LAW FIRM, P.A.

/s/ Jordy L. Stern 

Jordy L. Stern  
Attorney

**VERIFICATION**

I, Judge Steve Guthrie, hereby certify that the information, facts, and statements, as well as the attachments, contained in my Response to the Notice of Preliminary Investigation are true and correct to the best of my knowledge.

*Steve Guthrie*  
Hon. Steve Guthrie

**ACKNOWLEDGEMENT**

STATE OF NEW MEXICO  
COUNTY OF Creo

Subscribed and sworn to before me on this 10<sup>th</sup> day of July, 2018 by Judge Steve Guthrie.

Witness my hand and official seal.



*Georgina Andrews*  
NOTARY PUBLIC

My Commission Expires: 5-22-2022

17-050

SPECIAL NOISE PERMIT/NOTIFICATION

RECEIVED  
NOV 16 2017  
CITY CLERK

Name of Organization Sponsoring Event: LETICIA L. COYAZO

Contact Person: LETICIA L. COYAZO Phone No.: (505) 430-9270

Type of Event: Basket Ball Practice

Location of Event: 845 SAN JUAN DR.

Day/Date/Times of Event: 11/16/17 - 3/31/19

Type of Noise to be produced (Live Band(s), D.J., P.A. System, etc.):

Branding of Basket Balls

This permit is conditioned on the assurance by the above listed applicant that the level of noise produced during the event will not cause a reasonably prudent person to lodge a complaint that the level of noise is excessive.

This permit expires at the above listed date and time unless sooner terminated by appropriate law enforcement officials who, in their sole discretion, determine that the level of noise is excessive.

Dated this 16 day of Nov 30, 2017.

[Signature]

City Manager

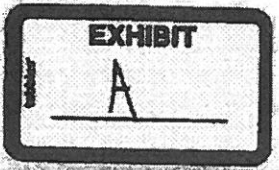
REVIEWED BY:

11/22/17

[Signature]  
City Clerk Date received Date approved

[Signature]  
Police Chief Date received Date approved

This Special Permit is pursuant to Section 11-05-270(4) of the Alamogordo Code of Ordinances





## 29-01-010. - Interpretation, purpose and conflict.

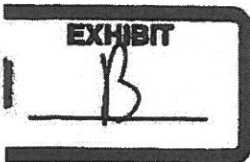
In interpreting and applying the provisions of this chapter they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by these provisions to interfere with, abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued and not in conflict with any of the provisions of the zoning regulations, or which shall be adopted or issued pursuant to law relating to the uses of buildings or premises, and likewise not in conflict with the zoning regulations; nor is it intended by these regulations to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if the zoning regulations impose a greater restriction, the zoning regulations shall control.

(Code 1960, § 11-15-1; Ord. No. 306, 11-8-60; Ord. No. 1234, § 1, 3-22-05)

**Cross reference—** Administration, ch. 2; airport zoning regulations, § 4-07-010 et seq.; building and building regulations, ch. 8; fire prevention and protection, ch. 12; flood damage prevention regulations, ch. 13; licenses and miscellaneous business regulations, ch. 17; parks, playgrounds and recreation, ch. 19; planning, ch. 20; streets, sidewalks and public places, ch. 21; subdivision regulations, ch. 22; traffic, ch. 24; trailers, mobile homes and recreational vehicles, ch. 25; water, sewers and sewage disposal, ch. 28.

## 29-01-090. - Regulation of special events.

- (a) *Purpose and intent*. It is the purpose and intent of these temporary use regulations to establish procedures for permitting certain types of temporary activities. The intent is to prevent the creation of any nuisance or annoyance to the occupants of or visitors to adjacent buildings or premises while avoiding lengthy or costly approval procedures.
- (b) *Special event definition*. A special event includes but is not limited to carnivals, circuses, fairs, festivals, animal displays, amusement rides, flea markets (not inside a permanent structure), special events promoting local agricultural products, arts and crafts markets, promotions, Christmas tree sales, retail sale of fireworks, special sales events, auto sales events, neighborhood parties, and similar public assemblies on public or private property.
- (c) *Temporary activity structure definition*. Temporary activity structures are those structures, facilities, or uses that occur on a seasonal or sporadic basis and involve the processing and/or sale of commodities, or are needed in conjunction with a special event.
- (d) *Issuance*. A special event permit may be issued to authorize a special event within all zoning districts of the city.
- (1) *Eligibility*. A special event permit may be administratively issued if:
- The requested special event does not exceed a total of ten (10) days (to include set-up and dismantling);
  - The event occurs no more than twelve (12) times in a twelve-month period;
  - If an event will be held more than twelve (12) times in a one (1) year period, the applicant must seek city commission approval.
- (2) *Submission requirements*: Thirty (30) days prior to the event, the applicant shall submit:



- a. An application.
  - b. Applicable fees.
- (3) *Street closure.* Any event that requires street closures must apply for a separate permit and pay applicable fees. Permits shall be granted by the city manager when deemed to be in the interest of public safety.
- (4) *Procedure:*
- a. At least seven (7) days after approval of the permit, the permit shall be publically posted by the city.
  - b. If the city manager approves the administrative special event permit, s/he shall sign the application for the city. The city manager may require such additional conditions as well, in his/her judgment, secure substantially the objectives of the district regulations.
- (e) *Permit for a temporary activity structure .* A permit for a temporary activity structure may be issued to authorize a temporary activity structure, such as stands, tents, canopies and other similar structures, to be located within all zoning districts of the city.
- (1) *Exemptions .* The following do not require a permit for a temporary activity structure:
- a. Any trailer, mobile housing unit or recreational vehicle as defined in Section 25-01-010 of this Code;
  - b. An accessory structure used solely for storage which lacks indoor plumbing but which otherwise complies with the New Mexico Building Code;
  - c. A structure erected on property owned by the city, including the county fairgrounds;
  - d. A structure used as a construction office at a site where construction work is being carried on;
  - e. A structure which complies with the New Mexico Commercial Building Code, except for attachment to a foundation, used for instruction at a school.
- (2) *Submission requirements .* The applicant is required to submit to the city the following:
- a. Completed application form together with support documentation; and
  - b. Applicable fees in accordance with section 2-01-030(l) of this Code.
- (3) *Prior determinations for temporary activity structure permit approval .* The city manager shall only approve an application for a temporary activity structure permit, if all of the following findings can be made:
- a. The proposed temporary use will be compatible with adjacent uses and will not adversely affect the surrounding neighborhood by means of odor, noise, dust, or other nuisance.
  - b. Increased traffic caused by the temporary activity structure will not adversely affect the surrounding neighborhood or city at large.
  - c. The proposed temporary activity structure is consistent with all city regulations and codes.
  - d. The city manager may impose such conditions on a temporary activity structure as are

necessary to meet the purposes of this chapter and protect the public health, safety and welfare.

- (f) *Appeal of administrative review decision* . Any person who is dissatisfied with the decision of the city manager may appeal that decision to the city commission.

If the applicant disagrees with the conditions set by the city manager, the applicant may appeal to the city commission.

(Ord. No. 1531, § 5, 12-6-16)

Date: 6/13/18  
Time: 13:42:29

ALAMOGORDO POLICE DEPARTMENT  
Offense Report

Page: 1  
Program: CMS301L

Case Number . . : 1-17-012796 Date of Report : 10/13/17 19:28  
Occur From Date: 10/13/17 19:28 Occur To Date : 10/13/17 19:28  
Day Of Week . . : FRIDAY Dept Class . . : CIVIL MATTERS  
Case Status . . : Closed/Inactive Case Status Dt : 11/01/17  
Street Number : 845 SAN JUAN AVE  
City . . . . . : ALAMOGORDO, NM 88310  
Location Type : RESIDENCE/Home Report Officer : MITCHELL, JUSTIN  
Supervisory Emp: ESQUERO, MARCELINO 1/21/17  
Clerical Entry : MEDINA, SUSAN 10/13/17

\*\*\*\*\* VEHICLE INFORMATION # 1 \*\*\*\*\*

Case number . . : 1-17-012796 License # . . . : 462RCK NM  
Category . . . . : \*\* O T H E R \*\* Vehicle Type . . : Auto  
Year . . . . . : 2000 Make . . . . . : CHEVROLET  
Model . . . . . : SILVERADO Color - Top . . . : BLUE  
Color - Bottom : BLUE VIN . . . . . : 1GCEK19T3YE292776

\*\*\*\*\* VEHICLE INFORMATION # 2 \*\*\*\*\*

Case number . . : 1-17-012796 License # . . . : WAAB61 NM  
Category . . . . : \*\* O T H E R \*\* Vehicle Type . . : Auto  
Year . . . . . : 2001 Make . . . . . : CADILLAC  
Color - Top . . : BEIGE Color - Bottom : BEIGE  
VIN . . . . . : 1G6KD54Y41U101288

\*\*\*\*\* PERSON REPORTING INFO - # 1 \*\*\*\*\*

Case Number . . : 1-17-012796 Last Name . . . : COYAZO, LETICIA

\*\*\*\*\* SUSPECT / ARRESTEE INFORMATION - # 1 \*\*

Case Number . . : 1-17-012796 Name . . . . . : GUTHRIE, KIM  
Date of Birth : 8/05/1956 61  
Street Number : 835 SAN JUAN PL  
City . . . . . : ALAMOGORDO, NM 883100000  
HOME . . . . . : 575/434-6526 Oper Lic No. . . : 010558425 NM  
Race . . . . . : WHITE Sex . . . . . : FEMALE  
Ethnic Origin : Not of Hispanic Origin Height . . . . . : 502  
Weight . . . . . : 160 Occupation . . . : DISABLED  
Juvenile . . . : ADULT Misc. ID# . . . : 7350B  
Hair Color . . . : BROWN Eye Color . . . : HAZEL  
Complexion . . : LIGHT

\*\*\*\*\* OTHER PERSON INFORMATION - # 1 \*\*\*\*\*

Case Number . . : 1-17-012796 Name . . . . . : GUTHRIE, STEVE M  
Person Type . . : 07 \*\* O T H E R P E R S O N \*\*  
Street Number : 835 SAN JUAN  
City . . . . . : ALAMOGORDO, NM 883100000  
HOME . . . . . : 575/439-7391 Date of Birth : 6/27/1958 59  
Sex . . . . . : MALE

\*\*\*\*\* NARRATIVE # 1 \*\*\*\*\*

ORIGINAL REPORT Reported By: MITCHELL, JUSTIN 10/13/17  
Reviewed By: ESQUERO, MARCELINO J. 12/11/17

On 10/13/2017, at approximately 1928 hours, I, APD Patrol Officer J. Mitchell was dispatched to 845 San Juan in reference to a parking



Date: 6/13/18  
Time: 13:42:29

ALAMOGORDO POLICE DEPARTMENT  
Offense Report

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Program: CMS301L

1-17-012796 (Continued)

complaint. I was reverted to an emergent call and had a time delay before arriving on scene.

Upon arrival, I made contact with a Ms. Leticia Coyazo. Ms. Coyazo stated at 1928 hours, her grandson who was identified as Dashaun Smith (DOB-07/14/2009), was playing basketball, in the front driveway, and on the roadway. I learned the resident of 835 San Juan who was later identified as Ms. Kim Guthrie, spoke to her and asked her if Deshaun could stop playing basketball. Ms. Coyazo stated her grandson continued to play so Ms. Guthrie s husband who was later identified as Steve Guthrie parked his blue in color 2000 Chevrolet pickup, bearing New Mexico plate 462RCK, in there driveway and had the vehicle blocking the sidewalk. Ms. Coyazo stated she contacted police for this incident. I learned Mr. Guthrie had since moved the above vehicle.

I learned while her grandson was playing basketball and she was watching him while standing in the roadway, Ms. Guthrie came outside. I learned Ms. Guthrie got into her burgundy 2001 Cadi, bearing New Mexico plate WAAB61, and began to park it on the roadway near their residence. Ms. Coyazo stated were she went to park is where her grandson was playing basketball, and she believes she did this so he could not play.

Ms. Coyazo stated when Ms. Guthrie was moving forward the driver front bumper hit her, which caused her to move back. Ms. Coyazo stated she tried to move, but she has progressive foot drop and cannot move quickly. Ms. Coyazo stated she told Ms. Guthrie she had hit her, but Ms. Guthrie denied it. I did not observe any visible signs of injuries on Ms. Coyazo s person. Ms. Coyazo informed me she wanted this incident documented.

I proceeded to 835 San Juan and made contact with Mr. Guthrie and Ms. Guthrie. I learned from Ms. Guthrie, that she asked Dashaun to stop bouncing the basketball because it was noisy. Ms. Guthrie stated Ms. Coyazo informed her if she did not like it she could move. Ms. Guthrie did admit to moving the Cadi on the roadway, so he would stop playing. Ms. Guthrie stated Ms. Coyazo was standing in the roadway in front of her. Ms. Guthrie stated she parked her car, and when doing so Ms. Coyazo alleged that she hit her. Ms. Guthrie denied hitting Ms. Coyazo with her vehicle.

I made contact with Ms. Coyazo and informed her due to their being no injuries, no other eye witnesses and showing she intended to hit her, I would not have probable cause to charge Ms. Guthrie with aggravated battery. I informed Ms. Coyazo of the pedestrian on streets ordinance, and informed her when a side walk is available you can t walk on the roadway. I informed Ms. Coyazo to speak with a city administrator about making her street a play street. Nothing further at this time, case closed. Incident was recorded.

Date: 6/13/18  
Time: 13:42:29

ALAMOGORDO POLICE DEPARTMENT  
Offense Report

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1-17-012796 (Continued)

\*\*\*\*\* N A R R A T I V E # 2 \*\*\*\*\*  
SUPPLEMENTAL                      Reported By: JARRETT, KERRY B.                      10/23/17  
                                         Reviewed By: ESQUERO, MARCELINO J.                      11/06/17

On Monday, 10/23/17, Ms. Coyozo came to the PD to report continued problems over her basketball goal and the next door neighbor.

Ms. Coyozo stated my neighbor is complaining about my grandchildren playing basket ball in the street. She identified her neighbor as Steve Guthrie ( The Judge ) and wife. Ms. Coyozo said the Guthrie s park their vehicles to impede with the portable basketball goal.

Ms. Coyozo said her grandchildren are 8 and 5 years old and are just being kids. Ms. Coyozo said she and the Guthrie s have exchanged words over the matter and she believes they are being unreasonable.

Nothing further at this time.

. . .

\*\*\*\*\* END OF REPORT \*\*\*\*\*

Case Number : 1-18-002128 Date of Report : 3/03/18 6:46  
Occur From Date: 3/03/18 6:46 Occur To Date : 3/03/18 6:46  
Day Of Week : SATURDAY Dept Class : HSD REFERRALS  
Case Status : Closed/Inactive Case Status Dt : 3/03/18  
Street Number : 845 SAN JUAN  
City : ALAMOGORDO, NM 88310  
Location Type : RESIDENCE/Home Report Officer : WELCH, CHRISTOPHER  
Supervisory Emp: ESQUERO, MARCELINO 3/03/18  
Clerical Entry : GARCIA, GILBERT 3/03/18

\*\*\*\*\* S U S P E C T / A R R E S T E E I N F O R M A T I O N - # 1 \*\*

Case Number : 1-18-002128 Name : COYAZO, LETICIA  
Date of Birth : 1956 62  
Street Number : 845 SAN JUAN  
City : ALAMOGORDO, NM 88310  
HOME : 575/430-9270 Race : WHITE  
Sex : FEMALE Ethnic Origin : Hispanic Origin  
Occupation : HEALTH ASSISTANT SCHOOLS  
Juvenile : ADULT

\*\*\*\*\* V I C T I M I N F O R M A T I O N - # 1 \*\*\*\*\*

Case Number : 1-18-002128 Name : [REDACTED]  
Date of Birth : 2009  
Street Number : 602 S FLORIDA  
City : ALAMOGORDO, NM 883100000  
HOME : 575/430-9020 WORK : 000/000-0000  
OTHER : 000/000-0000 Race : BLACK  
Sex : MALE Ethnic Origin : Hispanic Origin  
Juvenile : JUVENILE

\*\*\*\*\* O T H E R P E R S O N I N F O R M A T I O N - # 1 \*\*\*\*\*

Case Number : 1-18-002128 Name : COYAZO, GRACE  
Person Type : \* MOTHER \*  
Street Number : 602 S FLORIDA AV 936  
City : ALAMOGORDO, NM 88310  
HOME : 575/430-9020 Date of Birth : 1979 38  
Birth State : NM Sex : FEMALE

\*\*\*\*\* N A R R A T I V E # 1 \*\*\*\*\*

ORIGINAL REPORT Reported By: WELCH, CHRISTOPHER S. 3/03/18  
Reviewed By: ESQUERO, MARCELINO J. 3/03/18

On March 3, 2018, I, Officer Welch, received an HSD referral for allegations of educational neglect. The alleged perpetrator is, identified as Leticia Coyazo, and the alleged victim is identified as, [REDACTED] /2009.

I observed the report. The source stated Ms. Coyazo takes [REDACTED] out of school at 1200 hours almost every day. The source states [REDACTED] is outside playing basketball instead of being in school. The source mentions a home school program called SAT that they believe is not an existing program for home schooling.

I was dispatched to the lobby on an unrelated matter. I made contact



Date: 6/15/18  
Time: 16:02:46

ALAMOGORDO POLICE DEPARTMENT  
Offense Report

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Program: CMS301L

1-18-002128 (Continued)

with Ms. Coyazo. I informed her of the allegations. Ms. Coyazo stated she might know who called the complaint in. She mentioned her neighbors probably called. I informed her it was an anonymous source. Ms. Coyazo stated [REDACTED] is her grandson and he is taken out of school due to being involved in a SAT program with Desert Star Elementary School. She stated there was paperwork at her residence to show the arrangement with the school.

I proceeded to Ms. Coyazo's residence located at 845 San Juan Dr. Upon arrival, I made contact with Ms. Coyazo, and [REDACTED]'s mother, identified as Grace Coyazo. Ms. L. Coyazo showed me documentation with a SAT intervention plan. The document is dated 02/05/2018, and it provides a schedule consistent with [REDACTED] being signed out at 1215 hours. The document provided information in regards to the reason for the plan. It was due to behavior during school. The document provided the next meeting to be held on 03/05/2018, for any modifications to be made to the schedule. Ms. L. Coyazo stated she signs [REDACTED] out of school and lets him have a recess in which he usually plays basketball for approximately 30-45 minutes, then continues his education for the remainder of the afternoon. Ms. G. Coyazo is a team member on the intervention plan and confirmed that is the schedule for [REDACTED]'s education.

There is nothing further to report. A copy of the document is attached to the report. This incident was video recorded.

\* \* \* \* \* END OF REPORT \* \* \* \* \*



**BEFORE THE JUDICIAL STANDARDS COMMISSION  
OF THE STATE OF NEW MEXICO**

**INQUIRY CONCERNING HON. STEVE GUTHRIE**  
Otero County Magistrate Court, Alamogordo, New Mexico  
Inquiry No. 2018-031

**FILED**  
SEP 25 2018  
NM JUDICIAL  
STANDARDS COMMISSION  
**EMAILED**  
9-25-18

**ANSWER TO NOTICE OF FORMAL PROCEEDINGS**

The Hon. Steve Guthrie, (hereafter "Judge Guthrie") by and through his attorney, the Barnett Law Firm, P.A. (Colin L. Hunter and Jordy L. Stern), hereby submits his Answer to the Judicial Standards Commission's Notice of Formal Proceedings (hereafter "Notice") and asserts affirmative defenses as indicated below.

**RESPONSE TO COUNT 1**

Judge Guthrie denies the factual allegations contained in Count 1 of the Notice and denies that the factual allegations in Count 1 constitute a violation the Code of Judicial Conduct. Judge Guthrie admits that on or about October 13, 2018 he parked his vehicle in his and his wife's driveway, and soon thereafter, moved his park vehicle so that it no longer extended into the sidewalk.

**RESPONSE TO COUNT 2**

Judge Guthrie denies the factual allegations contained in Count 2 of the Notice and denies that he violated the provisions of the Code of Judicial Conduct cited in Count 2. Judge Guthrie admits that his vehicle, briefly, was parked in his driveway and extended into the sidewalk before moving the vehicle. Rule 21-208(B) NMRA is inapplicable to this Count as the facts are alleged. The Rule applies to a judge's behavior with jurors and individuals in the courtroom setting.

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**RESPONSE TO COUNT 3**

Judge Guthrie denies the factual allegations contained in Count 3 of the Notice and denies that he violated the provisions of the Code of Judicial Conduct cited in Count 3. While Judge Guthrie denies the factual allegations, the facts as alleged in Count 3 do not constitute a violation of Rules 21-101 and 21-208(B)

**RESPONSE TO COUNT 4**

Judge Guthrie denies the factual allegations contained in Count 4 of the Notice and denies that he violated the provisions of the Code of Judicial Conduct cited in Count 4. While Judge Guthrie denies the factual allegations, the facts as alleged in Count 4 do not constitute a violation of Rules 21-101 and 21-208(B).

**RESPONSE TO COUNT 5**

Judge Guthrie asserts that the allegations contained in Count 5 of the Notice are taken out of context. Judge Guthrie denies that he violated the Rules of Judicial Conduct. While Count 5 mischaracterizes the speech of Judge Guthrie, the facts as alleged in Count 5 do not constitute a violation of Rules 21-101 and 21-208(B).

**RESPONSE TO COUNT 6**

Judge Guthrie asserts that the allegations contained in Count 6 of the Notice are taken out of context and denies that he violated the Rules of Judicial Conduct. While Count 6 mischaracterizes the speech of Judge Guthrie, the facts as alleged in Count 6 do not constitute a violation of Rules 21-101 and 21-208(B).

**RESPONSE TO COUNT 7**

Judge Guthrie denies the factual allegations contained in Count 7 of the Notice and denies that he violated the Rules of Judicial Conduct. While Judge Guthrie vehemently denies the allegations contained in Count 7, the facts as alleged do not constitute a violation of Rule 21-208(B).

**RESPONSE TO COUNT 8**

Judge Guthrie denies the factual allegations contained in Count 8 of the Notice and

denies that he violated the Rules of Judicial Conduct.

**RESPONSE TO COUNT 9**

Judge Guthrie denies the factual allegations contained in Count 9 of the Notice and denies that he violated the Rules of Judicial Conduct.

**RESPONSE TO COUNT 10**

Judge Guthrie denies the factual allegations contained in Count 10 of the Notice and denies that he violated the Rules of Judicial Conduct. While Judge Guthrie denies the allegations contained in Count 10, the facts as alleged do not give rise to a violation of any of the Rules cited in Count 10.

**RESPONSE TO COUNT 11**

Judge Guthrie vehemently denies the factual allegations contained in Count 11 of the Notice and denies that he violated the Rules of Judicial Conduct.

**RESPONSE TO COUNT 12**

Judge Guthrie denies the factual allegations contained in Count 12 of the Notice and denies that he violated the Rules of Judicial Conduct.

**RESPONSE TO COUNT 13**

Judge Guthrie denies the factual allegations contained in Count 13 of the Notice and denies that he violated the Rules of Judicial Conduct.

**RESPONSE TO COUNT 14**

Judge Guthrie denies the factual allegations contained in Count 14 of the Notice and denies that he violated the Rules of Judicial Conduct. While Judge Guthrie denies these factual allegations, the facts as alleged in Count 14 do not constitute a violation of the Rules of Judicial Conduct.

**RESPONSE TO COUNT 15**

Judge Guthrie denies the factual allegations contained in Count 15 of the Notice and denies that he violated the Rules of Judicial Conduct. While Judge Guthrie denies these factual allegations, the facts as alleged in Count 15 do not constitute a violation of the Rules of Judicial

Conduct.

**RESPONSE TO COUNT 16**

Judge Guthrie denies the factual allegations contained in Count 16 of the Notice, though he admits, in his capacity as a private citizen, he visited Acting Alamogordo Police Chief Roger Schoolcraft and discussed noise issues in the neighborhood. While Judge Guthrie denies the Notice's implications of his visit to Chief Schoolcraft, the facts as alleged in Count 16 do not constitute a violation of the Rules of Judicial Conduct.

**RESPONSE TO COUNT 17**

Judge Guthrie denies the factual allegations contained in Count 17 of the Notice. The factual allegations mischaracterize the police reports concerning the interactions between the Coyazo and Guthrie families. While denying the Notice's characterization of the police reports and not expressly admitting the veracity of the police reports, Judge Guthrie admits that a number of police reports exist arising from interactions between the Coyazo and Guthrie families. The factual allegations contained in Count 17 of the Notice do not constitute violations of the Rules of Judicial Conduct.

**AFFIRMATIVE DEFENSES**

Judge Guthrie asserts the following affirmative defenses: (1) the U.S. Constitution, as incorporated against the states through the Fourteenth Amendment, and the Constitution of the State of New Mexico guarantee Judge Guthrie right of freedom of speech; (2) the U.S. Constitution guarantees Judge Guthrie the right to petition the government; and (3) void for vagueness. Judge Guthrie reserves the right to assert affirmative defenses as information becomes available and discovery commences.

Respectfully submitted,

  
The Barnett Law Firm, P.A.

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(505) 275-3200

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing pleading was served via regular e-mail to Phyllis Dominguez at [pdominguez@nmjsc.org](mailto:pdominguez@nmjsc.org).

  
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Colin L. Hunter


VERIFICATION

STATE OF NEW MEXICO )  
 ) ss  
COUNTY OF BERNALILLO )

I, Steve Guthrie, being first duly sworn, states under oath that all of the representations in my Answer to the Notice of Formal Proceedings are true and correct to the best of his knowledge and belief.

  
Steve Guthrie

SUBSCRIBED AND SWORN TO before me, a notary public, by Steve Guthrie  
this 21 day of September, 2018.

  
Notary Public

My Commission expires: 6/26/22

