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FAXED ORIGINAL

IN THE SUPREME COURT
OF THE STATE OF NEW MEXICO

No.

IN THE MATTER OF HON. JAIME J. BACA
Probate Judge, Valencia County, New Mexico

INQUIRY CONCERNING HON. JAIME J. BACA
Inquiry No. 2013-157

SUPREME COURT OF NEW MEXICO
FILED

DEC 26 2013



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

VERIFIED PETITION FOR IMMEDIATE TEMPORARY SUSPENSION

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

HON. JAIME J. BACA
Valencia County Probate Court
444 Luna Ave.
Los Lunas, New Mexico 87031
(505) 866-2432
Fax: (505) 866-2023

RANDALL D. ROYBAL
Executive Director & General Counsel

Respondent

DEBORAH BORIO
Investigative Trial Counsel

Counsel for Petitioner

IN THE SUPREME COURT
OF THE STATE OF NEW MEXICO

No.

IN THE MATTER OF HON. JAIME J. BACA
Probate Judge, Valencia County, New Mexico

INQUIRY CONCERNING HON. JAIME J. BACA
Inquiry No. 2013-157

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

VERIFIED PETITION FOR IMMEDIATE TEMPORARY SUSPENSION

The Judicial Standards Commission of the State of New Mexico ("Petitioner"), through the undersigned counsel, hereby petitions under seal pursuant to Rule 27-104(B) NMRA the New Mexico Supreme Court for an order that immediately and temporarily suspends Respondent Hon. Jaime J. Baca from judicial office pending completion of the State's prosecution of the pending criminal complaint and Petitioner Judicial Standards Commission's proceedings. The Commission hereby requests,

pursuant to Rule 27-104(B) NMRA, that this Petition and all Responses thereto should be unsealed upon an Order of the Court. As grounds for this verified petition, Petitioner states:

1. Petitioner invokes its jurisdiction and files this *Verified Petition for Immediate Temporary Suspension* pursuant to Petitioner's power to recommend the discipline of judges and the Supreme Court's power to discipline judges under N.M. Const. art. VI, §32; the Supreme Court's power of superintending control under N.M. Const. art. VI, §3; Rule 27-201(A)(4)(a) and (b) NMRA 1996 of the Rules Governing Review of the Judicial Standards Commission Proceedings; and, Rule 32(A)(4)(a) and (b) NMRA 2010 of the Judicial Standards Commission Rules.

2. The Respondent, Hon. Jaime J. Baca, is the probate judge for Valencia County, New Mexico.

3. Respondent is alleged to have committed acts that may constitute willful misconduct in office. The alleged acts are set forth in the Commission's *Notice of Preliminary Investigation*. (See attached Exhibit A,

Notice of Preliminary Investigation in Inquiry No. 2013-157.) The acts alleged are summarized as follows:

A. On December 21, 2013, New Mexico State Police officers were dispatched to a private residence in Los Lunas in reference to a domestic dispute involving the Respondent judge. Following a verbal argument with his girlfriend, Respondent is alleged to have thrown his girlfriend to the ground, causing minor injuries; taken his girlfriend's cell phone away from her when she tried to call for help and thrown the phone into the street, where it was run over by a passing vehicle; and, thrown a rock through the window of his girlfriend's car, causing it to shatter. An arrest warrant was obtained and Respondent was arrested on December 22, 2013 for Battery Against a Household Member, Criminal Damage to Property (2 counts), and Interference with Communications. Respondent was arraigned on the above-listed charges on December 23, 2013. (See Exhibit B, *Criminal Complaint, Affidavit*

for Arrest Warrant, and Arrest Warrant in State v. Jaime Baca, M-59-VM-2013-00108, for a detailed statement of the events.)

4. Petitioner is conducting an investigation into Respondent's conduct.

5. Petitioner requests that the Supreme Court issue an order that the Respondent be immediately and temporarily suspended. As such, this Court would control the time, terms, and conditions of Respondent's return to official duties.

6. Respondent's acts may constitute criminal conduct and willful misconduct in office as set forth in Article VI, §32 of the New Mexico Constitution.

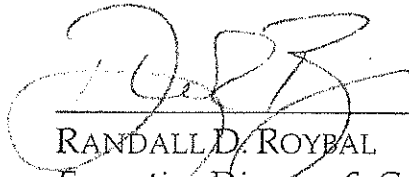
7. Petitioner certifies that Respondent's immediate temporary suspension from judicial office is necessary pending resolution of the State's criminal prosecution and the Petitioner Judicial Standards Commission's proceedings. Petitioner's Certificate to this Supreme Court is attached hereto as Exhibit C. Petitioner defers to this Supreme Court as

to whether Respondent's temporary suspension shall be with or without pay.

WHEREFORE, Petitioner prays for an Order from the Court that immediately and temporarily suspends Respondent Hon. Jaime J. Baca from judicial office pending completion of the State's prosecution of the pending criminal complaint and Petitioner's proceedings.

Respectfully Submitted,

JUDICIAL STANDARDS COMMISSION



A handwritten signature in black ink, appearing to read 'R. Roybal', is written over a horizontal line.

RANDALL D. ROYBAL

Executive Director & General Counsel

DEBORAH BORIO

Investigative Trial Counsel

Post Office Box 27248

Albuquerque, NM 87125-7248

(505) 222-9353

VERIFICATION

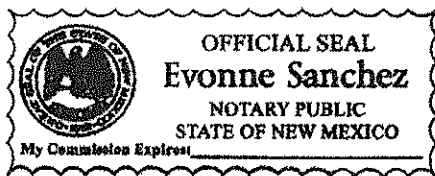
STATE OF NEW MEXICO)
COUNTY OF BERNALILLO) ss.

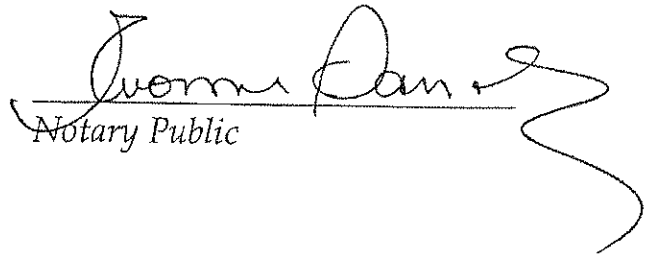
I, Deborah Borio, having been duly sworn, do hereby state that I have read and understand the Petition and that the statements contained in the Petition are correct and true to the best of my knowledge.



DEBORAH BORIO
Investigative Trial Counsel
Judicial Standards Commission

SUBSCRIBED AND SWORN TO before me by Deborah Borio, this 26th day of December, 2013.






Notary Public

My Commission expires: 10-19-17

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed via certified mail, return receipt requested, on this 27th day of December 2013, to the Respondent as follows:

*Hon. Jaime J. Baca
Valencia County Probate Court
444 Luna Ave.
Los Lunas, New Mexico 87031*



DEBORAH BORIO
Investigative Trial Counsel



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

FILED

PHYLLIS A. DOMINGUEZ
Investigative Trial Counsel

DEC 26 2013

DEBORAH BORIO
Investigative Trial Counsel

December 26, 2013

NM JUDICIAL
STANDARDS COMMISSION

CONFIDENTIAL

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Hon. Jaime J. Baca
Valencia County Probate Court
444 Luna Ave
Los Lunas, NM 87031

Re: Inquiry No. 2013-157


Dear Judge Baca:

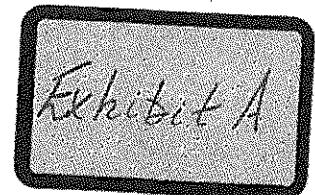
The above-referenced matter came before the Judicial Standards Commission on either a verified complaint or the Commission's own motion. As part of a preliminary investigation pursuant to Rule 14(F) of the Judicial Standards Commission Rules (NMRA 2010), the Commission requires that you provide a written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

It has been alleged that on or about December 22, 2013, you were arrested and charged with Battery Against a Household Member, Criminal Damage to Property (2 counts), and Interference with Communications. The criminal matter is styled *State of New Mexico vs. Jaime Baca*, Case No. M-59-VM-2013-00108, and is ongoing before the Valencia County Magistrate Court, Los Lunas, New Mexico.

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,

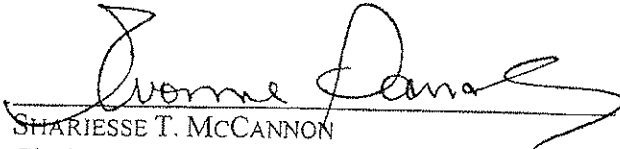

Joyce Bustos
Chair



CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing was mailed on the 26th day of
December 2013, by certified mail, return receipt requested to:

Hon. Jaime Baca
Valencia County Probate Court
444 Luna Ave
Los Lunas, NM 87031

for 
SHARIESSE T. MCCANNON
Clerk of the Commission

STATE OF NEW MEXICO
COUNTY OF VALENCIA
MAGISTRATE COURT

DEC 26 2013

STATE OF NEW MEXICO

vs.

NAME: JAIME BACA

DOB:

SSN:

DL#:

ADD:



No. 07-59-V11-26130001
Date filed: _____
Clerk of the Magistrate Court Div. I & II
of Valencia County, New Mexico hereby
certify that the foregoing is a true and
correct and full copy of the instrument
herewith as appears of record in my
office.

Dated this 26th day of Dec 2013

Paulita [Signature]
Clerk of the Magistrate Court

CRIMINAL COMPLAINT

CRIME: 1.) BATTERY ON A HOUSEHOLD MEMBER. CRIME:2.) CRIMINAL
DAMAGE TO PROPERTY CRIME:3) INTEREFERENCE WITH COMMUNICATIONS.
(common name of offense or offenses)

The undersigned, under penalty of perjury, complains and says that on or about the 21st
day of December, 2013, in the County of Valencia, State of New Mexico, the above-named
defendant(s) did:

COUNT I:

DID UNLAWFULLY, INTENTIONALLY TOUCH OR APPLY FORCE TO THE PERSON OF
A HOUSEHOLD MEMBER TO WIT; JERI ORTEGA, AND DONE IN A RUDE, INSOLENT
OR ANGRY MANNER CONTRARY TO NMSA 1978, SECTION 30-3-15 AS AMENDED
MISDEMEANOR.

COUNT II:

DID INTENTIONALLY DAMAGE ANY REAL OR PERSONAL PROPERTY OF ANOTHER
WITHOUT THE CONSENT OF THE OWNER, TO WIT; CASIO C771 COMMANDO CELL
PHONE, CONTRARY TO NMSA 1978, SECTION 30-15-1 AS AMENDED MISDEMEANOR.

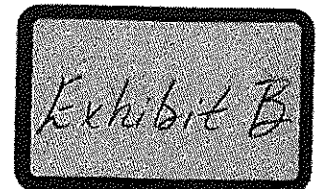
COUNT III:

DID INTENTIONALLY DAMAGE ANY REAL OR PERSONAL PROPERTY OF ANOTHER
WITHOUT THE CONSENT OF THE OWNER, TO WIT; 2012 GRAY NISSAN ALTIMA (NM
923RWX VIN #1N4AL2AP9CN427662), CONTRARY TO NMSA 1978, SECTION 30-15-1
AS AMENDED MISDEMEANOR.

COUNT IV:

DID KNOWINGLY AND WITHOUT LAWFUL AUTHORITY PREVENT OR DELAY THE
SENDING OF ANY COMMUNICATION BY TELEPHONE CONTRARY TO NMSA 1978,
SECTION 30-12-1D AS AMENDED MISDEMEANOR.

(here state the essential facts)



I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF. I UNDERSTAND THAT IS IT A CRIMINAL OFFENSE SUBJECTS TO THE PENALTY OF IMPRISONMENT TO MAKE A FALSE STATEMENT IN A CRIMINAL COMPLAINT.

Leroy O. Carrejo
LEROY O. CARREJO
Complainant

Patrolman NMSP
Title (if any)
ADA ANA ROMERO JURISSON VIA E-MAIL
Approved by:

Title

Clerk of the Magistrate Court Div. I & II of Valencia County, New Mexico hereby certify that the foregoing is a true and correct full copy of the instrument herewith as appears of record in my office.

If Probable Cause Determination Required:

Probable Cause Found : Not Found
(If not found, complaint dismissed & defendant released)

Date: 12/22/13
Judge: [Signature]

Dated this 26th day of Dec, 2013
[Signature]
Clerk of the Magistrate Court

This complaint may not be filed with the prior payment of a filing fee unless approved by the District Attorney or a law enforcement officer authorized to serve an Arrest or Search Warrant. Approval of the District Attorney or a law enforcement officer is not otherwise required. [As amended, effective September 1, 1990; April 1, 19991; November 1, 1991.]

STATE OF NEW MEXICO
COUNTY OF VALANCIA
IN THE MAGISTRATE COURT

FILED IN
VALANCIA CO. MAG CT
DIV I & III

13 DEC 23 AM 10:20

NUMBER M-59-VM-20/300108

STATE OF NEW MEXICO

V.

JAIME BACA

DOB: [REDACTED]

SOC: [REDACTED]

ADDRESS: [REDACTED]

Clerk of the Magistrate Court Div. I & II
of Valencia County, New Mexico hereby
certify that the foregoing is a true and
correct and full copy of the instrument
herewith as appears of record in my
office.

Dated this 20th day of Dec 2013

AFFIDAVIT FOR ARREST WARRANT

[Signature]
Clerk of the Magistrate Court

The undersigned, being duly sworn, on this oath, states that he has reason to believe that on or about the 21st Day of December, 2013, in the county of Valencia, State of New Mexico, the above-named defendant(s) did commit the crime(s) of: *(state the common name of the offense)*

Date of occurrence: December 21st, 2013

Count 1: BATTERY ON A HOUSEHOLD MEMEBER: 1 COUNT

Count 2: CRIMINAL DAMAGE TO PROPERTY: 2 COUNTS

Count 3: INTEREFRENCE WITH COMMUNICATION: 1 COUNT

STATEMENT OF FACT; Affiant is Leroy O. Carrejo, is full-time, salaried law enforcement officer employed by the Department of Public Safety, New Mexico State Police, Uniform Division. Affiant has been employed as an Officer for a period of approximately 11 years. Affiant has conducted numerous investigations which have resulted in indictments, arrests and convictions of persons responsible for crimes committed in the State of New Mexico as related in the New Mexico State Statues Annotated, NMSA 1978.

On Saturday, December 21, 2013, at approximately 2338 hours, Affiant Officer Leroy O. Carrejo with the New Mexico State Police Uniform Division was in uniform, displaying my badge of office in my assigned unit 655, while working in Los Lunas, New Mexico County of Valencia Affiant was dispatched to the residence of [REDACTED] reference a domestic dispute that occurred on State Road 47 near the intersection of Horner Road.

While responding dispatch notified me of the reporting persons stating that the male subject involved had left the scene on foot. Upon arrival I met with the alleged victim identified as Jeri Ortega who stated her boyfriend Jaime Baca had battered her. Ms. Ortega stated her and Mr. Baca had left a Christmas party and was traveling north on State Road 47 when an argument ensued over Mr. Baca being upset over Ms. Ortega not paying attention to him while at the party. Ms. Ortega stated Mr. Baca turned off the vehicle just south of Horner Road. Ms. Ortega stated they argued and she started the vehicle and proceeded north when Mr. Baca turned it off again. Ms. Ortega stated she exited the vehicle and was going to walk to her sister's residence when Mr. Baca threw her down causing a slight bruise to her fore head and a minor cut to her left knee which was visible and photographed. Ms. Ortega stated when Mr. Baca shoved her to the ground, she attempted to call for help with her cell phone and Mr. Baca took the phone away and threw it in the street where it was run over by a passing

vehicle. The phone was located on the north bound lane of travel of State Road 47 just south of Horner Road which was also photographed. Ms. Ortega stated she then ran to the residence of [REDACTED]. The vehicle Ms. Ortega and Mr. Baca were in is registered to Ms. Ortega and a rock was thrown through the right rear window of the vehicle causing it to shatter with the rock going through and coming to rest on the floor board. The vehicle was photographed as well. The residence of [REDACTED] belongs to Gary and Maxine Schmock who both stated Ms. Ortega showed with stickers all over her and observed the bruise and cut sustained. Mr. Schmock stated he went for the vehicle which was left on State Road 47 just south of Horner which was approximately .3 miles away. Ms. Ortega stated she had some soreness to her left mid section also but no bruising. Attempts to locate Mr. Baca were unsuccessful. Affiant went to the residence of [REDACTED] where Mr. Baca resides and made contact with Mr. Baca's father but Mr. Baca was not present. Affiant attempted to call Mr. Baca via phone but was unsuccessful due to Mr. Baca's phone being turned off. Mr. Baca was not located in the general vicinity of State Road 47 and Horner Road.

Therefore, Affiant believes with the physical evidence at the scene and damage of the vehicle and the telephone being placed at the scene and Ms. Ortega's statements I find enough reasonable grounds to believe a battery, criminal damage to property two counts and interference with communications has occurred by Mr. Baca.

Affiant is respectfully requesting a Warrant for the Arrest of Mr. Jaime Baca date of birth of [REDACTED] on this matter of Battery on a Household Member One Count, Criminal Damage to Property Two Counts and Interference with Communications One Count.

Count 1: 30-3-15

Count 2: 30-15-1

Count 3: 30-12-1

Contrary to law of the State of New Mexico, N.M.S.A. 1978.

Clerk of the Magistrate Court Div. I & II
of Valencia County, New Mexico hereby
certify that the foregoing is a true and
correct and full copy of the instrument
as shown as appears of record in my
office.

Filed this 26th day of Dec 2013
Paulette M. Smith
Clerk of the Magistrate Court

The undersigned further states the following facts on oath to establish probable cause to believe that the above-named defendant(s) committed the crime charged: *(include facts in support of the credibility of any hearsay relied upon)*

LEROY CARREJO
Affiant (print or type)

[Signature]
Signature of Affiant

ADA ANA ROMERO JURISSON VIA E-MAIL
Official title (if any)

[Signature]
Judge, Magistrate Notary or other
Officer Authorized to Administer Oaths

Subscribed and sworn to
Before me in the above-named
(county) (city) of the State
of New Mexico this 22
day of Dec, 2013

NOTE: Article II, Section 10 of the New Mexico Constitution provides that an Arrest Warrant may issue on a sworn written statement of facts showing probable cause. This Affidavit is to be used only when the Complaint does not set forth sufficient facts to establish probable cause.

Clerk of the Magistrate Court Div. I & II
of Valencia County, New Mexico hereby
certify that the foregoing is a true and
correct and full copy of the instrument
herewith as appears of record in my
office.

Dated this 26th day of Dec 2013
[Signature]
Clerk of the Magistrate Court

STATE OF NEW MEXICO
IN THE COUNTY OF VALENCIA
IN THE MAGISTRATE COURT

STATE OF NEW MEXICO

NUMBER 11-59-V11-20130104

V.

DEC 26 2013

J

JAIME BACA

DOB: [REDACTED]

SOC: [REDACTED]

ADDRESS: [REDACTED]

WARRANT FOR ARREST

THE STATE OF NEW MEXICO TO ANY OFFICER AUTHORIZED TO EXECUTE THIS WARRANT.

BASED ON A FINDING OF PROBABLE CAUSE, YOU ARE COMMANDED to arrest the above-named defendant and bring the defendant without necessary delay before this court to answer the charge(s) of: *(here state the common name and description of the offense charged)*

- Count 1: BATTERY ON HOUSEHOLD MEMBER; ONE COUNT
- Count 2: CRIMINAL DAMAGE TO PROPERTY; TWO COUNTS
- Count 3: INTEREFERNC E WITH COMMUNICATION; ONE COUNT

Contrary to Sections 30-3-15, 30-15-1, 30-12-1 THIS WARRANT MAY BE EXECUTED:

- in any jurisdiction;
- anywhere in this state;
- anywhere in this county;
- anywhere in this city;

The person obtaining this warrant shall cause it to be entered into a law enforcement information system:

- maintained by the New Mexico State Police
- _____ *(identify other law enforcement system)*

Clerk of the Magistrate Court Dist. I & II of Valencia County, New Mexico hereby certify that the foregoing is a true and correct and full copy of the instrument herewith as appears of record in my office.

Bond Amount: \$ 20,000 [Cash Only]

[Cash or Surety]

Uma Garcia

Judge

Dated this 26th day of Dec 2013

Paulita Preml
Clerk of the Magistrate Court

RETURN WHERE DEFENDANT IS FOUND


I arrested the above-named defendant on the 22 day of December, 2013, and served a copy of this warrant on the 22 day of December, 2013, and caused this warrant to be removed from the warrant information system identified in this warrant.

Ally Cruz
Signature

Title SA, PTM

BEFORE THE JUDICIAL STANDARDS COMMISSION
FOR THE STATE OF NEW MEXICO

IN THE MATTER OF HON. JAIME J. BACA
Probate Judge, Valencia County, New Mexico

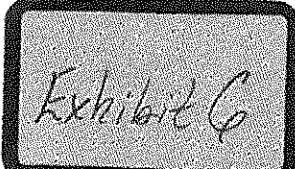
FILED
DEC 2 9 2013 
NM JUDICIAL
STANDARDS COMMISSION

CERTIFICATE OF JUDICIAL STANDARDS COMMISSION

The Judicial Standards Commission of the State of New Mexico ("the Commission") hereby certifies in accordance with the Judicial Standards Commission Rule 32(A)(4)(a) and (b) NMRA 2010 and Rule 27-201(A)(4)(a) and (b) NMRA 1996 of the Rules Governing Review of the Judicial Standards Commission Proceedings, that immediate temporary suspension of the Hon. Jaime J. Baca, Probate Judge, Valencia County, New Mexico ("Respondent") is necessary pending resolution of the State's pending criminal complaint and the Judicial Standards Commission's proceedings against Respondent for alleged violations of the Code of Judicial Conduct as set forth in the *Notice of Preliminary Investigation*, Inquiry No. 2013-157.

The Commission notes that it is investigating allegations that Respondent has committed acts that may constitute criminal conduct and willful misconduct in office. The criminal acts alleged are set forth in the Commission's *Notice of Preliminary Investigation* (attached as Exhibit A to the *Verified Petition for Temporary Suspension*).

IN CONSIDERATION OF THE FOREGOING and upon a majority vote, the Commission has determined that continued judicial service by the Respondent is causing immediate and substantial public harm, the appearance of impropriety, and the


Exhibit C

erosion of public confidence in the integrity, independence and impartiality of the judiciary and in the orderly administration of justice.

Certified by:

JUDICIAL STANDARDS COMMISSION

A handwritten signature in cursive script that reads "Joyce Bustos". The signature is written in black ink and is positioned above a horizontal line.

JOYCE BUSTOS, Chair
Post Office Box 27248
Albuquerque, NM 87125-7248
(505) 222-9353