

IN THE SUPREME COURT  
OF THE STATE OF NEW MEXICO

**RECEIVED**  
DEC 14 2015  
NM JUDICIAL  
STANDARDS COMMISSION

No. S-1-SC-35625

IN THE MATTER OF HON. CONNIE LEE JOHNSTON  
San Juan County Magistrate Court, New Mexico

INQUIRY CONCERNING HON. CONNIE LEE JOHNSTON  
JSC Inquiry No. 2015-143

FILED UNDER SEAL  
PURSUANT TO 27-104(B) NMRA 2011

**PETITIONER'S SUPPLEMENT TO**  
**VERIFIED PETITION FOR IMMEDIATE TEMPORARY**  
**SUSPENSION WITHOUT PAY**

JUDICIAL STANDARDS COMMISSION  
Post Office Box 27248  
Albuquerque, NM 87125-7248  
Tel: (505) 222-9353  
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HON. CONNIE LEE JOHNSTON  
P.O. Box 60  
Flora Vista, New Mexico 87415  
Court Tel: (505) 334-9479  
Court Fax: (505) 334-2178

RANDALL D. ROYBAL  
*Executive Director & General Counsel*

*Respondent*

PHYLLIS A. DOMINGUEZ  
*Investigative Trial Counsel*

*Counsel for Petitioner*

SUPREME COURT OF NEW MEXICO  
FILED

DEC 11 2015

Respectfully Submitted,

JUDICIAL STANDARDS COMMISSION

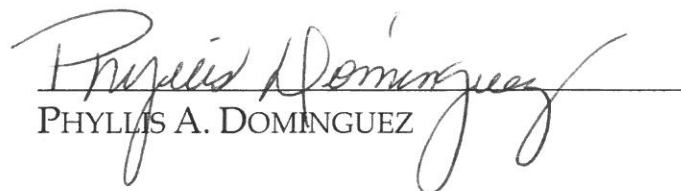
  
RANDALL D. ROYBAL  
*Executive Director & General Counsel*

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed via email and U.S. Mail on this 9<sup>th</sup> day of December 2015 to the Respondent as follows:

*Hon. Connie Lee Johnston*  
*P.O. Box 60*  
*Flora Vista, New Mexico 87415*

  
PHYLLIS A. DOMINGUEZ

**EXHIBIT LIST**

*Petitioner's Supplement to  
Verified Petition for Immediate Temporary Suspension Without Pay  
Hon. Connie Lee Johnston, San Juan County Magistrate Court  
Judicial Standards Commission Inquiry No. 2015-143*

Ex. 11 - Verified statement of Presiding Judge Barry D. Sharer, San Juan Magistrate Court (Aztec), dated 12/4/15

Ex. 12 - Verified statement of Administrative Office of the Courts employee Bobbie Geiss, dated 12/4/15

Ex. 13 - Verified statement of Adult Detention Center Records Supervisor Sgt. Brenna Cook, dated 12/3/15

**Exhibit  
D**

On 11/19/2015, due to complaints of Judge Johnston being rude to clerks and complaints about her possibly still recording people in this court, it was decided by AOC, the Court Manager, and me to have two clerks with Judge Johnston at all times when she is on the bench or if a clerk had to go into her office for court business. At approximately 1:00 pm, Lori and I advised Judge Johnston about the new rule. I explained that I was not going to have a discussion or an argument with her, that it was the new rule and she was expected to follow it. I also handed her the matrix for the Aztec Magistrate Court, highlighting the part under Associate Judges that says, "Acts in a professional and civil manner at all times with all staff and judges. Does not yell, use abusive or profane language, or otherwise engage in threatening behavior of any kind". I reminded her that this is not only in the matrix but also in the Judicial Code of Conduct. I told her she would not take this out on any of the clerks. She appeared to be mad, but went onto the bench with two clerks. At approximately 2:20, Judge Johnston had finished her cases and then left the court without telling anyone. She did not return, that day.

On 11/20/2015, Judge Johnston filled in, at the Farmington Magistrate Court and did not come to the Aztec Magistrate Court.

On 11/23/2015 at approximately 8:15 am Judge Johnston came into my office, angry. She told me I was, "Completely out of line" for telling her on Thursday that, "2 clerks would be following her around". I told her that nobody would be "following her around." I told her there would just be two clerks with her when she was on the bench or doing other court business. She asked me to tell her the reason for the policy, again. I told her several of the clerks had complained about her being rude to them and they were uncomfortable around her. She stated she had not been rude to the clerks and, "they are rude to me". I also told her the clerks were uncomfortable, because many in the court, including me, feel she is continuing to record. She pulled up her shirt, exposing a thin tee shirt and her bra and shouted, "Where? Where am I hiding it". She asked me if I wanted to "pat (her) down" for a recorder. I responded to her, that I did not want to pat her down and I told her to put her shirt down. She was angry and walked out of my office. I heard her typing on her computer for a few minutes and then I heard the back door slam. She had again left without telling anyone. I contacted AOC to tell them what had happened. I then called Judge Johnston and had her on speaker phone in Lori's office. Judge Johnston had several cases scheduled for the morning. I also had cases scheduled and Judge Chase was on vacation. I also had a doctor's appointment in Durango at 1:00 pm. I had advised Judge Johnston a few weeks past about my doctor's appointment and Judge Chase's vacation. I advised her I needed her to cover the video arraignments in the afternoon, since she would be the only judge at the court at that time. I reminded her of this several days before. When I called Judge Johnston I asked her if she was coming back to do her cases. She told me she was not going to work if there were two clerks with her. She began arguing about the 2 clerk policy and I told her I was not going to argue, I just needed to know if she was coming back to do her cases. She again said she was not going to work that way. I asked her if she was abandoning her job and she said she was not, but would not work with the 2 clerks. I again asked her if she was coming back and she said, "That depends". I told her it was a simple "yes or no

question" and asked her if I needed to get another Judge in to cover her cases. There was silence for approximately 5 seconds and when she did not answer, I said, "I will take that as a no" and I hung up the phone. I contacted AOC with this information. I then asked Lori to call Judge Chase off vacation to cover the afternoon. Judge Chase had to bring her step-son in with her, because she had no babysitter, since school was out for the Thanksgiving holiday. Judge Johnston did not return to work on Monday.

On Tuesday 11/24/2015 Judge Johnston sent me an email with an attached doctor's note saying she was unable to come to work until next Monday, 11/30/2015. She sent me a second email telling me she would still handle the probable cause determinations over the long holiday weekend. I sent her an email advising her not to worry about the probable cause determinations, since she had a note from her doctor. I told her I would handle them. I also reminded her I had already given her the 30th off as a vacation day. On 11/25/2015, he responded with an email saying she would be in on Tuesday 12/01/2015 and added, "I hope and pray our situation will heal". Also, on 11/24/2015, Bobbi Geiss, an auditor with AOC, who works out of the Aztec Magistrate Court reported to me something she found to be strange. She stated, Judge Johnston goes to the Church, located across the street from Bobbi's house. She said every Sunday Judge Johnston parks in front of Bobbi's house, instead of parking in the Church parking lot. Bobbi told me on 11/23/2015 at approximately 4:00 pm (after Judge Johnston had walked out of the court), her (Bobbi's) husband had called her to tell her Judge Johnston was parked out in front of their house. She said her husband was putting up Christmas lights when he noticed Judge Johnston sitting in her vehicle staring at him. He said Judge Johnston never went to the Church, but just sat in her vehicle and watched him. Bobbi's husband told her this made him feel uncomfortable and he finally went into the house. Bobbi said Judge Johnston was not there when she got home. I asked Bobbi to document the incident and I sent an email to AOC, letting them know what Bobbi had told me.

At the request of AOC, I had been working on local rules to help the court and to help Judge Johnston overcome some difficulties she is having. Due to AOC Director Pepin being busy, I did not get those signed rules back until after Judge Johnston walked out the previous Monday (11/23/2015). I had been unable to go over the new rules with her. One of the local rules I had created was regarding the carrying of firearms by judges. Due to Judge Johnston's strange behavior, I decided to have law enforcement with me when she returned and I presented her with this rule. I made arraignments to have State Police Officers at the court on Tuesday, 12/01/2015 when Judge Johnston returned. When she showed up, shortly after 8:00 am, I called her into my office where the officers were. I presented Judge Johnston with the entire packet of local rules that had been signed by AOC Director Pepin. I advised her we would have to have a judge's meeting later in the day when we could all go over the new rules, but I needed her to look at the rule on the top of the packet, regarding firearms. I advised her the officers were here to escort her to her vehicle and she was to leave her gun in her car. She asked, "Why?" and I told her per the new local rule and state statute, nobody could carry a firearm on court property without the permission of the presiding judge. I told her she did not have my permission to be carrying a firearm and I wanted her to take it out of the building. I also told her on her first break, I

wanted her to take the firearm completely off the court property and to take it to her house. She smiled and replied, "Ok" and then went out the back door of the court with the State Police Officers. I closed my door and started typing an email to Jason and Rosemary at AOC. I was about to type them, everything had gone well and Judge Johnston had taken her gun to her vehicle. I then heard Judge Johnston out in the hallway, telling Sgt. Rempe not to leave the building. I heard my courtroom door shut. I opened my door and went down the hall to the clerks office. Sgt. Rempe was in the lobby and waived me over to the glass. He pointed to the door and told me he needed to tell me something. I then let him into the clerks office. Sgt. Rempe told me Judge Johnston had told him to stay, "Because somebody was going to jail." Sgt. Rempe said the jail was bringing in defendants at the time and he assumed that was who she was talking about. Sgt. Rempe said he asked her, "You mean one of the prisoners?" and she responded with something like, "whoever". Rempe said he then asked her, "One of the Judges?" and she responded, whoever gave her lip first was going to go to jail.

Judge Johnston went on the bench and clerks Amy Verhulst and Rebecca Eldridge went with her. I was in Lori's office to call AOC about what Sgt. Rempe had told me when Amy and Rebecca came in. Amy said that Judge Johnston had kicked her out of the courtroom. We discussed this with AOC and it was decided to try to send another clerk in with Rebecca. So, Cruz Garcia was sent in. A short time later, Cruz and Rebecca returned to Lori's office and Cruz stated Judge Johnston had thrown her out of the courtroom. I then asked Sgt Rempe to follow me and I called Judge Johnston out into the hallway. I told her, I had explained the two clerk rule and there was going to be two clerks with her on the bench. She said there would not and the clerks were disrupting her court and she would not allow two clerks on the bench with her. I told her she had no authority over how the clerks did their jobs and she said he had authority over her courtroom. I again told her the policy was two clerks with her on the bench and I told Amy and Rebecca to go back into the courtroom. Judge Johnston told Sgt. Rempe to go in with her. I waited in the hallway and less than a minute later, Amy and Sgt. Rempe returned to the hall. Amy told me Judge Johnston had just had her arrested for Contempt of Court. I stepped into the courtroom and I advised Judge Johnston that Amy was not going anywhere until she (Johnston) had done the proper paperwork for a Contempt charge. We again contacted AOC to tell them what had happened. Sgt. Rempe was very concerned over taking Amy to the detention center and advised AOC he was worried about her safety, due to the fact many of the inmates knew who she was from seeing her in court. AOC advised it was a court order and Amy had to be taken into custody. They said they were discussing the situation with the Supreme Court and the Attorney General's Office. I asked if it was legal to have Amy be in custody at the State Police Office or Lori's office until we could get an answer. It was determined as long as Amy was in the custody of Sgt. Rempe she could stay in Lori's office. I believe Amy then contacted defense attorney Steve Murphy. When Murphy arrived, he Amy and Sgt. Rempe went into Judge Johnston's courtroom. I stood at the back of the courtroom (not in my robe) to observe. Mr. Murphy told Judge Johnston he was representing Amy and asked Judge Johnston if she understood exactly her powers on contempt and asked if she really wanted to find Amy in contempt. Judge Johnston said she did. Mr. Murphy then asked Judge Johnston what Amy did to be found in contempt of court. Judge Johnston told Mr. Murphy, she had asked Amy to leave the courtroom twice and she

refused to do so. Judge Johnston said Amy was a disruption to her court. When Mr. Murphy asked how, she told him she was not going to have Amy sitting behind her on the bench watching for every mistake she made, so she could report it to her "cohorts". Mr. Murphy asked, "Cohorts? Do you mean court clerks?" Judge Johnston replied, "Yes, court clerks". Mr. Murphy then asked Judge Johnston for an order so he could take it to the District Court for an immediate appeal. **Judge Johnston then handed Mr. Murphy some paperwork.** Judge Johnston said she was giving Amy 30 days in jail and a \$1000.00 fine. I stepped out into the lobby and when Mr. Murphy, Sgt. Rempe and Amy walked out, I asked Mr. Murphy for the paperwork. He handed it to me and I looked at it. I told Mr. Murphy, **Judge Johnston had handed him original court documents** and I needed them. I told him we would have copies made for him and Amy, but we would keep the originals. Copies were then made.

Next, Sgt. Rempe was on the phone in Lori's office. Lori told me he was talking to Chief Justice Vigil. After Rempe got off the phone, he told me the Chief Justice had told him not to take Amy to jail and to tell her to return to work. Rempe said the Chief Justice had advised him, she was overriding Judge Johnston's contempt ruling and would be sending over an order, but in the mean time, Amy was to go back to her desk. Lori also told me the Chief Justice wished to speak to Judge Johnston. Lori sent an email to Judge Johnston with the Chief Justice's phone numbers. I went to advise Judge Johnston the Chief Justice wanted to speak to her and I noticed she was not on the bench. I turned down the hall, to see her walk into the restroom. I also observed Judge Johnston's husband, Brian, standing in front of her doorway with his arms crossed, watching me. I stood by the restrooms to wait for Judge Johnston to come out. As I observed Brian staring at me, I decided I had better have a witness to what I said to Judge Johnston, so I opened the door at the south end of the clerks office and the first two clerks I saw were Sam and Cruz. I instructed them to stand inside the clerks office, but where they could hear me. When Judge Johnston exited the restroom I advised her she needed to call Chief Justice, immediately, Lori had emailed her the numbers. She went into her office and her husband followed. As I walked past her office to go to mine I heard Brian say, "You need to file a harassment suit" to Judge Johnston. Judge Johnston and her husband then went outside to Judge Johnston's vehicle. I could see them on the video cameras and the State Police watched them out the window. Judge Johnston was sitting in the driver's seat of her vehicle. Sgt. Rempe told me that Judge Johnston had put her gun under the driver's seat. I was talking to Lori, in her office and still watching the video cameras, when I noticed Judge Johnston was back on the bench, doing cases, without any clerks, as she had been doing for the morning. There was some discussion about sending some clerks back in with her. We contacted AOC and I decided, due to her recent odd behavior, the fact she was angry and the fact she had gone back to her vehicle where she had access to her firearm, I did not want any clerks on the bench with her, pending a decision from the Supreme Court. I let AOC know of my decision and advised them I would rather err on the side of caution, for safety reasons, I did not want any court staff alone in the courtroom with Judge Johnston.

Judge Chase had a doctor's appointment, so I had to go on the bench at 1:00 pm to handle her cases and my cases. While on the bench, I received a phone call from Chief Justice Vigil. She told me she was

working on the paperwork to suspend Judge Johnston. I advised her of what had happened and of my decision not to allow court staff in the courtroom with Judge Johnston. The Chief Justice said she supported my decision and asked if I could keep the State Police in the courthouse until the paperwork was finished. Sgt. Rempe told me the state police would stay as long as we needed them. I later received a second phone call from the Chief Justice, who informed me she was faxing the paperwork to the Aztec Magistrate Court.

After the paperwork arrived, I learned Judge Johnston's husband was still in the building and was in the back of Judge Johnston's courtroom. Due to the fact, Brian is a retired deputy and both Brian and Judge Johnston had taught a concealed/carry class for years, I assumed Brian was armed as well. By this time there were 4 State Police Officers and one officer with Motor Transport in the building. I asked them, when Judge Johnston was escorted from the building to also have her husband escorted out. Sgt. Rempe and two other state police officers went with me to the side door of Judge Johnston's courtroom, while Sgt. Foreman and the Motor Transport Officer went to the rear of her courtroom where her husband was. I opened the side door and advised Judge Johnston she needed to come into the hallway with me. She continued talking to an attorney. I told Judge Johnston again she needed to step out of the courtroom and added, "Now." She glared at me and I then made an announcement to the entire court, if there was anyone there who still had court business to go into my courtroom and I would handle it. I again said to Judge Johnston, "Now". She stepped off the bench and entered the hallway. I advised her she had been suspended by Chief Justice Vigil and the State Police would serve her the order. I also told her, per the order, she was to hand her key (card) to me. She asked me, "Well how am I suppose to leave the building without my key". I advised her, Sgt. Rempe had been given a key and we would let her out. She glared at me and began shaking as she tried to remove her key from around her neck. She was finally able to hand me the key and then told me she had personal items in the courtroom and needed to get back in. The officers and I went back into the courtroom with her, while she retrieved several items from the bench. She was then escorted to her office for the rest of her items. She was provided boxes to load her things into. Georgia Sedillo from AOC was at the court, by this time, and I left Georgia with the state police to witness what was removed, while I returned to the bench.

At some point during the day (I do not remember exactly when or who told me), I was told while Judge Johnston was continuing to do cases without a clerk to process them, she had told the attorneys and the defendants it was their responsibility to return to the court, "tomorrow" to pick up their paperwork. I was shown at least one of Judge Johnston's files where I saw she had charged \$123.00 in court costs on a second DWI. The court costs should be \$291.00.

On Wednesday afternoon 12/03/2015 I began trying to fix the mistakes in the files made by Judge Johnston. We had attorneys and defendants appear either in person or telephonically. I advised



everyone, I would sign the J&S forms on the cases, if everything they and Judge Johnston had agreed to was legal and proper, but instructed them I would have to correct any court costs. ADA Brian Decker told me there were going to be, "a lot" of cases with improper court costs. He told me he did not try to correct Judge Johnston as she was handing down sentences, because of what happened to Amy, he did not, "want to go to jail" by speaking up at the time. Judge Chase and I have been fixing the mistakes on these cases for the past couple of days.

Also, on Wednesday as Lori, Georgia and I were leaving the building, Lori checked her cell phone and had a message from the director of the San Juan County Detention Center, Tom Havel. Havel said he had been informed Judge Johnston had called the jail Wednesday morning and was attempting to get bond information. I called Havel back, but only received his voicemail. I left a message for him to call me back. Havel called me back at approximately 5:00 pm. He told me Judge Johnston had called the desk sergeant earlier on Wednesday asking for information on cash bonds for the Aztec Magistrate Court. He said the sergeant contacted the lieutenant who in turn contacted him. Havel said he told the lieutenant, Judge Johnston was suspended and not to give her the information. He said he told the lieutenant to refer any calls from Judge Johnston to him. He also said Johnston had not called back. I asked Havel to contact me if there were any further calls or if Johnston went to the jail for information. I contacted Georgia and told her what I had learned. Georgia asked me if I could think of any other agency Johnston may try to contact and let them know she was suspended. The only agency I could think of was the San Juan County Communications Authority. I then called dispatch and requested to speak to a supervisor. I advised the supervisor, Johnston was on suspension and was not to act as a judge. I requested the supervisor to have dispatch contact me immediately if Johnston called and asked for any information, while on suspension.

I am including relevant emails, a copy of the local matrix for the Aztec Magistrate Court and a copy of the local rules I have prepared, with this statement.



Judge Barry Sharer

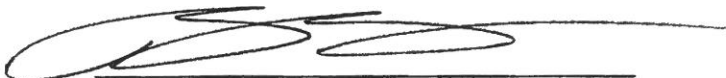
Presiding Judge, Aztec Magistrate Court

VERIFICATION

STATE OF NEW MEXICO )  
COUNTY OF San Juan ) ss.

I, the undersigned, being first duly sworn and upon my oath or affirmation, depose and state that I have written, read and understand the contents of the attached written statement dated December 4, 2015, and that the statement is true and correct to the best of my personal knowledge, except matters stated upon information and belief, which I believe to be true and correct to the best of my information and belief.

BAIRAT SHARON  
Printed Name

  
Signature

Signed and sworn to before me this 4th day of December, 2015.

  
Notary Public

My Commission expires: 2/14/2019

(SEAL)

Incident date and time: November 23, 2015 at 4:03 p.m.

At 4:03 p.m. on November 23, 2015 my husband, John Geiss, called me. I had just left the office and was on my way to the pharmacy before heading home. My husband was at home hanging up the Christmas lights outside. John stated that he was on the ladder hanging up the lights when he heard a car pull up. He noticed that it was Judge Johnston. John stated that she was parked where she always parks to attend the church across the street. She was parked on Zuni street, the same side of the street as our house, facing west, approximately 20 yards east of our driveway. John continued hanging lights for a few minutes and just paid attention. He stated that she never got out of her vehicle to go to the church. He said that she sat there like she was watching him, so he got off the ladder and went into the house to grab his gun and call me. He said he felt uncomfortable due to past experiences with her through a previous job as a coworker. He stated it was weird that she just sat there watching him and never got out of her car. He said that if she had gone to the church, he wouldn't have thought twice about it. By the time that I got home, she was no longer parked there. My husband did not go back outside and did not see when she left.

On November 24, 2015 I informed my supervisor, Charlene Romero and Presiding Judge Sharer of this situation. I told both of them that I don't want to be paranoid since this is a public street. Judge Sharer stated that he would note the situation and was jotting down notes as I talked. I just wanted to make them both aware of the situation.

Bobbi Geiss

November 24, 2015

**Exhibit  
12**

The image is a screenshot of a web browser displaying a satellite map. The browser's address bar shows the URL: <http://onlinestreetview.com/@36.816995,-108.000836,257.73h>. The page title is "305 Zuni PI, Aztec, N...". The browser's menu bar includes "File", "Edit", "View", "Favorites", "Tools", and "Help".

The main content area shows a satellite map of a residential area. A red location pin is placed on a house, with a white information box above it containing the address: "305 Zuni Place, Aztec, NM, United States". To the right of the address box are social media sharing icons for Facebook, Twitter, and Google+, with a "G+1 114" counter. Below the address box is a "Tweet" button. The map itself is dark, and the text "Zuni PI" is overlaid on the road in two locations with white arrows pointing to the location pin.

At the bottom of the browser window, there is a navigation bar with the following elements from left to right:
 

- SQUARESPACE logo
- Free year of Google Apps WITH SQUARESPACE BUSINESS
- GET STARTED button

600-698 Ute Ave. AZ. X

600-698 Ute Ave, Aztec, NM 87410, USA

305 Zuni Place, Aztec, NM, United States X

Driving Directions With Street View

G+ 114 Tweet

SQUARESPACE Free year of Google Apps WITH SQUARESPACE BUSINESS GET STARTED

VERIFICATION

STATE OF NEW MEXICO )  
COUNTY OF San Juan ) ss.

I, the undersigned, being first duly sworn and upon my oath or affirmation, depose and state that I have written, read and understand the contents of the attached written statement dated December 4, 2015, and that the statement is true and correct to the best of my personal knowledge, except matters stated upon information and belief, which I believe to be true and correct to the best of my information and belief.

Bobbi Geiss  
Printed Name

*Bobbi Geiss*  
Signature

Signed and sworn to before me this 4th day of December, 2015.

*Janya Shelby*  
Notary Public

My Commission expires: 8/23/2018

(SEAL)

To: Aztec Magistrate Court  
From: Sgt. Brenna Cook  
ADC Records Supervisor  
Date: December 3, 2015

On December 02, 2015 at approximately 1130 I, Sgt. Brenna Cook, was transferred a phone call from my front desk personnel. Upon answering the phone call the person on the other side identified herself as Connie Johnston. I recognized the name she gave me as an elected Aztec Magistrate Judge. Ms. Johnston then asked me if I was the head honcho over the records area. I informed her that I was the Records Supervisor. She then told me that she would like to come to our facility so that she may look at our bond book. I assumed she was referring to our Bond Schedule book that the District Court faxes to us referring which bondsmen can bond out of each court and the amounts they are insured for. When I began asking questions to clarify exactly what she would be requesting, Ms. Johnston stated "More specifically I am looking for the cash bond receipt book". I informed Ms. Johnston that all completed receipt books are returned to the court and that we may only have a ledger. She stated that she would like to come and review the ledger. I asked Ms. Johnston to please hold while I contact my Supervisor Lt. Mejia to see if this is a request that we could do. I contacted Lt. Mejia and he informed him of the information that Ms. Johnston was requesting to review and he asked me to get a contact number and let her know that I would call her back. Lt. Mejia later informed me that we would not be able to accommodate her request at this time. At approximately 1200 or a little after I called Ms. Johnston back and informed her that we were unable to accommodate her request at this time. Ms. Johnston thanked me for calling her back and said that she understood.



Sgt. Brenna Cook  
Adult Detention Center  
Records Supervisor

STATE OF NEW MEXICO  
COUNTY OF SAN JUAN

SUSCRIBED AND SWORN TO before me by Brenna Cook this 3rd day of December, 2015.

  
\_\_\_\_\_  
NOTARY PUBLIC



OFFICIAL SEAL  
ROBERTA S. LOCKE  
NOTARY PUBLIC - State of New Mexico  
My Commission Expires 2-17-18

My commission expires: 2-17-18

**Exhibit**  
**13**