

IN THE SUPREME COURT
OF THE STATE OF NEW MEXICO

No. *STSC-35625*

RECEIVED
12 DEC 10 2015 *AS*
NM JUDICIAL
STANDARDS COMMISSION

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

**VERIFIED PETITION FOR IMMEDIATE TEMPORARY
SUSPENSION WITHOUT PAY**

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

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 - 3 2015

[Signature]

IN THE SUPREME COURT
OF THE STATE OF NEW MEXICO

No.

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**VERIFIED PETITION FOR IMMEDIATE TEMPORARY
SUSPENSION WITHOUT PAY**

The Judicial Standards Commission of the State of New Mexico (“Petitioner”), through the undersigned counsel, and upon a unanimous vote, hereby petitions under seal pursuant to Rule 27-104(B) NMRA the New Mexico Supreme Court for an order that immediately and temporarily suspends Hon. Connie Lee Johnston (“Respondent”) from judicial office without pay pending resolution of Petitioner Judicial Standards Commission’s proceedings. The Commission hereby requests, pursuant to Rule 27-104(B) NMRA, that the Supreme Court’s file in this matter, including this Petition and all Responses thereto, be unsealed upon an Order of the Court, **with the exception of Exhibit 9, which should**

remain permanently sealed. As grounds for this verified petition, Petitioner states:

1. Petitioner invokes its jurisdiction and files this *Verified Petition for Immediate Temporary Suspension Without Pay* pursuant to Petitioner's power to recommend the discipline of judges and the Supreme Court's power to discipline judges under N.M. Const. Article VI, Section 32; the Supreme Court's power of superintending control under Article VI, Section 3 of the New Mexico Constitution; Rule 27-201(A)(4)(a) NMRA 1996 of the Rules Governing Review of the Judicial Standards Commission Proceedings; and, Rule 32(A)(4)(a) NMRA 2010 of the Judicial Standards Commission Rules.

2. The Respondent, Hon. Connie Lee Johnston, is a magistrate court judge in San Juan County, New Mexico.

3. Respondent is alleged to have committed acts that may constitute willful misconduct in office, and/or may demonstrate a habitual, intemperate demeanor, and/or that Respondent may lack the character and fitness required to hold judicial office.

4. 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. 2015-143.) The acts alleged are summarized as follows:

A. On or about December 1, 2015, Respondent made statements to New Mexico State Police Sergeant James Rempe prior to taking the bench that evidenced Respondent's premeditated intent to have someone arrested. Respondent told Sergeant Rempe words to the effect of, "Stick around, I'm sure someone is going to jail." Sergeant Rempe asked, "Who, prisoners?" Respondent told him, "Whoever." Sergeant Rempe then asked, "Judges?" Respondent replied, "Whoever gives me lip."

B. On or about December 1, 2015, Respondent embarrassed and humiliated San Juan County Magistrate Court Lead Worker Amy Verhulst when in open court Respondent ordered her out of Respondent's courtroom and then held Ms. Verhulst in contempt when she stayed to perform her duties as she was ordered to do by Presiding Judge Barry Sharer.

C. On or about December 1, 2015, Respondent willfully and maliciously held Ms. Verhulst in contempt of court for performing her duties as she was ordered to do by Presiding Judge Barry Sharer. Respondent sentenced Ms. Verhulst to thirty (30) days in jail, set bond at \$1,000 cash only, and ordered her to be immediately arrested without giving her an adequate opportunity to defend or explain her conduct before Respondent imposed punishment.

D. On or about December 1, 2015, Respondent failed to follow the reasonable and lawful orders of Presiding Judge Barry Sharer and attempted to undermine the authority of Judge Sharer when Respondent ordered Amy Verhulst out of Respondent's courtroom.

E. On or about November 23, 2015, Respondent failed to be dignified and courteous to Presiding Judge Barry Sharer and sexually harassed him, specifically, when he told Respondent that court staff believed she was recording her conversations with them. In response, Respondent then lifted up her shirt revealing her undergarments to Presiding Judge Sharer and asked him if he wanted to pat her down. Judge Sharer's inquiry was based on allegations that on or about November 3, 2015 a court clerk walked into her office and witnessed Respondent kneeling behind the clerk's desk. Respondent jumped up, pulled something black from under the desk, and placed the black object in her shirt.

F. On or about November 23, 2015, Respondent failed to perform her judicial duties by leaving the courthouse and abandoning her docket. Presiding Judge Barry Sharer told Respondent on November 19, 2015 that because of her rude behavior towards court staff, two clerks would be in the courtroom with Respondent at all times. On Monday, November 23, 2015, Respondent told Judge Sharer words to the effect of, "I'm not going to work like this," and shortly thereafter left the courthouse leaving her courtroom full of people awaiting the proceedings pending before Respondent that day.

That same morning, November 23, 2015, Judge Sharer called Respondent and asked Respondent if she was coming back to work. Respondent replied words to the effect of, "Are you going to have two clerks with me?" Judge Sharer said, "Yes," and again inquired as to whether Respondent was coming in to work. Respondent did not answer Judge Sharer who took Respondent's silence as a no, that she would not be going to work, even though Respondent was the on-call judge for the week.

Respondent knew that Judge Trudy Chase was on vacation and that Presiding Judge Barry Sharer had to leave in the afternoon

of November 23, 2015 for a scheduled doctor's appointment. Respondent's actions resulted in Judge Trudy Chase being called in from vacation to cover Respondent's docket that day.

The next day, November 24, 2015, Respondent faxed to Judge Sharer a note from a medical provider excusing Respondent from work from November 23 through November 29, 2015.

G. On or about December 1, 2015, Respondent breached confidentiality imposed by Article VI, Section 32 of the New Mexico Constitution and Rule 8 of the Judicial Standards Rules, and falsely stated to Steve Garrison, a reporter for the Farmington Daily Times, that all complaints filed with the Judicial Standards Commission have been unfounded.

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

6. Petitioner requests that the Supreme Court issue an order immediately and temporarily suspending Respondent from judicial office without pay. As such, this Court would control the time, terms, and conditions of Respondent's return to official duties.


7. Petitioner certifies that Respondent's immediate temporary suspension from judicial office is necessary pending resolution of the Petitioner Judicial Standards Commission's proceedings. Petitioner's Certificate to this Court is attached hereto as Exhibit B. Petitioner requests that Respondent's immediate temporary suspension be without pay.

8. A list of exhibits pertaining to the allegations in the Petitioner Judicial Standards Commission's *Notice of Preliminary Investigation* is attached hereto as Exhibit C, which details Exhibits 1 through 10.

WHEREFORE, Petitioner prays for an Order from the Court that immediately and temporarily suspends Respondent Hon. Connie Lee Johnston from judicial office, without pay, pending completion of Petitioner's proceedings. Respondent further requests that the Supreme Court's file in this matter be unsealed pursuant to Rule 27-104(B) NMRA, with the exception of Exhibit 9, which should remain permanently sealed.

Respectfully Submitted,

JUDICIAL STANDARDS COMMISSION

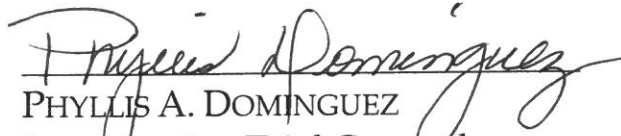

RANDALL D. ROYBAL
Executive Director & General Counsel

PHYLLIS A. DOMINGUEZ
Investigative Trial Counsel
Post Office Box 27248
Albuquerque, NM 87125-7248
Tel: (505) 222-9353
Fax: (505) 222-9358

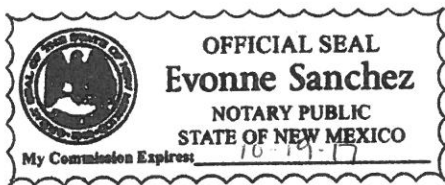
VERIFICATION

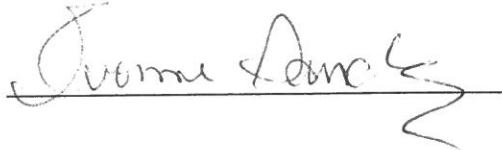
STATE OF NEW MEXICO)
COUNTY OF BERNALILLO) ss.

I, Phyllis A. Dominguez, 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.


PHYLLIS A. DOMINGUEZ
Investigative Trial Counsel

SUBSCRIBED AND SWORN TO before me by Phyllis A. Dominguez,
this 3rd day of December 2015.





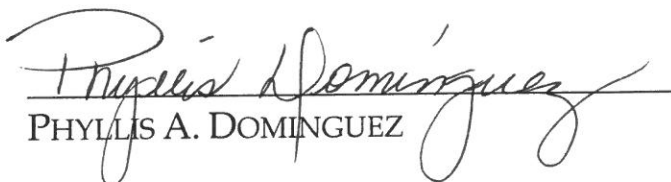
My Commission expires: 10-19-17

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 3rd day of December 2015 to the Respondent as follows:

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

I FURTHER CERTIFY that attempts will be made to have a true and correct copy of the *Petition* promptly and personally served upon the Respondent.


PHYLIS A. DOMINGUEZ



STATE OF NEW MEXICO
JUDICIAL STANDARDS COMMISSION

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

RANDALL D. ROYBAL
Executive Director & General Counsel

PHYLLIS A. DOMINGUEZ
Investigative Trial Counsel

DEBORAH BORIO
Investigative Trial Counsel

December 2, 2015

CONFIDENTIAL
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

Re: Inquiry No. 2015-143

Dear Judge Johnston:

FILED
DEC 03 2015
NM JUDICIAL
STANDARDS COMMISSION



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:

1. On or about December 1, 2015, you made statements to New Mexico State Police Sergeant James Rempe prior to taking the bench that evidenced your premeditated intent to have someone arrested. You told Sergeant Rempe words to the effect of, "Stick around, I'm sure someone is going to jail." Sergeant Rempe asked, "Who, prisoners?" You told him, "Whoever." Sergeant Rempe then asked, "Judges?" You replied, "Whoever gives me lip."
2. On or about December 1, 2015, you embarrassed and humiliated San Juan County Magistrate Court Lead Worker Amy Verhulst when in open court you ordered her out of your courtroom and then held Ms. Verhulst in contempt when she stayed to perform her duties as she was ordered to do by Presiding Judge Barry Sharer.
3. On or about December 1, 2015, you willfully and maliciously held Ms. Verhulst in contempt of court for performing her duties as she was ordered to do by Presiding Judge Barry Sharer. You sentenced Ms. Verhulst to thirty (30) days in jail, set bond at \$1,000 cash only, and ordered her to be immediately arrested without giving her an adequate opportunity to defend or explain her conduct before you imposed punishment.

Exhibit

A

4. On or about December 1, 2015, you failed to follow the reasonable and lawful orders of Presiding Judge Barry Sharer and attempted to undermine the authority of Judge Sharer when you ordered Amy Verhulst out of your courtroom.
5. On or about November 23, 2015, you failed to be dignified and courteous to Presiding Judge Barry Sharer and sexually harassed him, specifically, when he told you that court staff believed you were recording your conversations with them. In response, you then lifted up your shirt revealing your undergarments to Presiding Judge Sharer and asked him if he wanted to pat you down. Judge Sharer's inquiry was based on allegations that on or about November 3, 2015 a court clerk walked into her office and witnessed you kneeling behind the clerk's desk. You jumped up pulled something black from under the desk and placed the black object in your shirt.
6. On or about November 23, 2015, you failed to perform your judicial duties by leaving the courthouse and abandoning your docket. Presiding Judge Barry Sharer told you on November 19, 2015 that because of your rude behavior towards court staff, two clerks would be in the courtroom with you at all times. On November 23, 2015 you told Judge Sharer words to the effect of, "I'm not going to work like this," and shortly thereafter left the courthouse leaving your courtroom full of people awaiting the proceedings pending before you that day.

That same morning, November 23, 2015, Judge Sharer called and asked you if you were coming back to work. You replied words to the effect of, "Are you going to have two clerks with me?" Judge Sharer said, "Yes," and again inquired as to whether you were coming in to work. You did not answer Judge Sharer who took your silence as a no, that you would not be going to work, even though you were the on-call judge for the week.

You knew that Judge Trudy Chase was on vacation and that Presiding Judge Barry Sharer had to leave in the afternoon of November 23, 2015 for a scheduled doctor's appointment. Your actions resulted in Judge Trudy Chase being called in from vacation to cover your docket that day.

7. On or about December 1, 2015, you breached confidentiality imposed by Article VI, Section 32 of the New Mexico Constitution and Rule 8 of the Judicial Standards Rules, and falsely stated to Steve Garrison, a reporter for the Farmington Daily Times, that all complaints filed with the Judicial Standards Commission have been unfounded.

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.

Hon. Connie Lee Johnston
December 2, 2015
Page 3

Sincerely yours,


Joyce Bustos
Chair

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing was mailed on the 3rd day of
December 2015, by certified mail, return receipt requested to:

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


SHARIESSE T. MCCANNON
CLERK OF THE COMMISSION

BEFORE THE JUDICIAL STANDARDS COMMISSION
FOR THE STATE OF NEW MEXICO

FILED

DEC 03 2015

**NM JUDICIAL
STANDARDS COMMISSION**

INQUIRY CONCERNING HON. CONNIE LEE JOHNSTON
San Juan County Magistrate Court, New Mexico
JSC Inquiry No. 2015-143

CERTIFICATE OF JUDICIAL STANDARDS COMMISSION

The Judicial Standards Commission of the State of New Mexico ("Commission") hereby certifies in accordance with Rule 32(A)(4)(a) NMRA 2010 of the Judicial Standards Commission's Rules and Rule 27-201(A)(4)(a) NMRA 1996 of the Rules Governing Review of the Judicial Standards Commission Proceedings, that immediate temporary suspension of Hon. Connie Lee Johnston ("Respondent"), San Juan County Magistrate Court, without pay, is necessary pending completion of Judicial Standards Commission proceedings against Respondent for numerous alleged violations of the Code of Judicial Conduct as set forth in the Commission's *Notice of Preliminary Investigation* (attached as **Exhibit A** to the *Verified Petition for Immediate Temporary Suspension Without Pay*).

The Commission is presently investigating allegations that Respondent has committed acts that may constitute willful misconduct in office, and/or may demonstrate a habitual, intemperate demeanor, and/or that Respondent may lack the character and fitness required to hold judicial office.

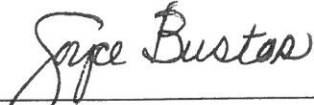
Based on the foregoing, the Commission has determined that continued judicial service by the Respondent is causing immediate and substantial public harm, erosion of

**Exhibit
B**

public confidence in the integrity and impartiality of the judiciary, disruption of the San Juan County Magistrate Court's business and the orderly administration of justice.

Certified by:

JUDICIAL STANDARDS COMMISSION


By 

JOYCE 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 by first class mail on this 3rd day of December 2015 to Respondent:

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



Shariesse T. McCannon
Clerk of the Commission

EXHIBIT LIST

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

- Exs. 1 and 1A - Verified statements of Sergeant James Rempe, NMSP, dated 12/1/2015
- Ex. 2 - Verified statement of Officer Joel Holloway, NMSP, dated 12/1/2015
- Ex. 3 - Verified statement of Patrolman Brian Hobbs, NMSP, dated 12/1/2015
- Ex. 4 - Order on Direct Criminal Contempt, *State of NM v. Amy Verholst [sic]* M-147-MR-15-1092, filed 12/1/2015
- Ex. 5 - Sentencing Order re: Amy Verholst [sic], filed 12/1/2015
- Exs. 6 and 6A - Verified statements of Amy Verhulst, San Juan County Magistrate Court (Aztec), dated 12/1/2015
- Exs. 7 and 7A - Verified statements of Rebecca Eldridge, San Juan County Magistrate Court (Aztec), dated 12/1/2015
- Ex. 8 - Verified statement of Cruzita Garcia, San Juan County Magistrate Court (Aztec), dated 12/1/2015
- Ex. 9 - PERMANENTLY SEALED
- Ex. 10 - Farmington Daily Times article, "Magistrate judge suspended by NM Supreme Court," 12/1/2015

Exhibit
C

VERIFICATION

STATE OF NEW MEXICO)
) ss.
COUNTY OF Sandoval)

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 12-1-15, 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.

James Rempe
Printed Name

[Handwritten Signature]
Signature

Signed and sworn to before me this 2nd day of December, 2015.

[Handwritten Signature]
Notary Public

My Commission expires: 06/24/2019

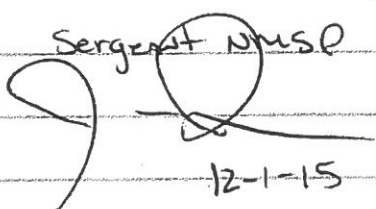
(SEAL)

Exhibit
1

On December 1st, 2015, while talking to Judge Johnston in the hallway behind the court rooms, Judge Johnston made the statement "Stick around, I'm sure someone is going to jail." I asked Judge Johnston do you mean a prisoner? Judge Johnston said "Whoever." I replied "Do you mean a Judge?" She said "Whoever," "Whoever gives me lip."

I believe this statement was made because Judge Johnston was angry because she was asked by Judge Sharer to remove her firearm and put it in her car.

I was asked by Judge Sharer to make a written statement. The statement above is my written statement.

James Rempe
Sergeant NMSD

12-1-15 8:41 AM

VERIFICATION


STATE OF NEW MEXICO)
) ss.
COUNTY OF Santa Fe)

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 12-1-15, 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.

James Remre
Printed Name


Signature

Signed and sworn to before me this 2nd day of December, 2015.


Notary Public

My Commission expires: 06/24/2019

(SEAL)

Exhibit
1A

On December 1st, 2015 at approximately 0730 hours, I was asked by Judge Sharer to assist the court with an issue with Judge Connie Johnston. Judge Sharer advised me Judge Johnston was carrying her concealed firearm in the court room and he wanted her to take it outside and put it in her vehicle. He asked me if I would have Judge Johnston comply with his request.

Judge Johnston arrived at the court house at approximately 0800 hours and I made contact with her and advised her she needed to take the weapon outside and put it in her vehicle. Judge Johnston complied with my request. As Judge Johnston was walking inside the building, she told me "you might want to stick around because someone is going to go to jail today." I asked her "A prisoner?" She said "anyone". I then said "a judge" she then told me anyone who is going to give her lip.

I told judge Sharer what judge Johnston had said. I was asked by Judge Sharer to stick around in case he had anymore problems with Judge Johnston. I asked him what other problems might occur. Judge Sharer told me over the past year Judge Johnston doesn't like having court clerks in the court with her. He told me she has to have them in there to make the court process run smoothly, however Judge Johnston has threatened to have them removed from her court room.

Approximately 30 minutes later Judge Sharer confronted Judge Johnston in a polite manner in the hallway and told her she was going to have the court clerks stay in the court with her and do their jobs. Judge Johnston told him that if he had two of them go in there she would find one of them in contempt. Judge Sharer told the two clerks to go in and do their jobs and assist Judge Johnston. The clerks complied. Judge Johnston told "Amy" who was one of the clerks to leave. Amy advised she couldn't and she needed to do her job. Judge Johnston the found her in contempt of court and told me to take her away.

An attorney "Steven Murphy" asked Judge Johnston why are you doing this. Judge Johnston replied "She is always looking over my shoulder and reporting my mistakes to her cohorts!" Mr. Murphy then replied do you mean court clerks and Judge Johnston said yes.

These are the events I witnessed on December 1st 2015 involving Judge Connie Johnston.


Sergeant James Rempe

VERIFICATION

STATE OF NEW MEXICO)
) ss.
COUNTY OF _____)

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 3rd, 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.

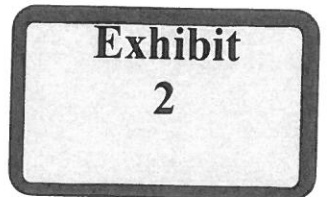
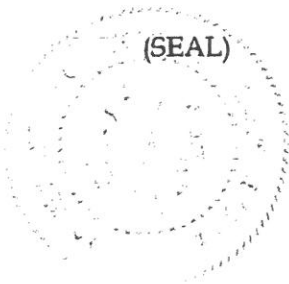
Joel Holloway
Printed Name

[Handwritten Signature]
Signature

Signed and sworn to before me this 3 day of Dec, 2015.

[Handwritten Signature]
Notary Public

My Commission expires: 11/12/19



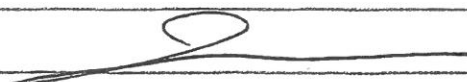
On December 4th, 2015 at approximately 08:12 hours, I Officer Holloway of The New Mexico State Police was on duty displaying my badge of office when I received a call to go to Aztec Magistrate Court.

Upon my arrival I met with Sergeant Rempel and Officer Hobbs. I was advised that Judge Barry Sharer needed our assistance with issues that the court was having trouble with Judge Connie Johnson.

I observed Sergeant Rempel escort Judge Johnson to her vehicle and place her firearm inside her personal vehicle. When they returned inside the building I heard Judge Johnson state that we should hang around because she was going to have "them" arrested. Sergeant Rempel then asked "who" and Judge Johnson stated "Whoever gives me lip".

I was then asked by Judge Sharer to write this statement.

Officer Joki Holloway

 12/1/15

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 1, 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.

Brian Hobbs
Printed Name

[Signature]
Signature

Signed and sworn to before me this 2nd day of December, 2015.

Victoria A. Edwards
Notary Public

My Commission expires: 3/31/17



On Tuesday, December 1, 2015 I was at Artec Magistrate Court with Sergeant Rempe and Officer Holloway of the New Mexico State Police. We were in the back hallway with Judge Connie Johnston, when I overheard Judge Johnston say, "You should stick around, people are going to jail."

Judge Johnston made this statement after she was advised of state statute that she could not carry her personal firearm inside the courtroom. Judge Berry Sharer gave Judge Johnston a copy of the statute and told her to store her weapon in her vehicle. Sergeant Rempe escorted her to her vehicle, where she stored her weapon.

Upon returning inside the courthouse, Judge Johnston made the above statement.

Brian Hubbs
NMSP patrolman
12/01/15



9-612. Order on direct criminal contempt.

[For use with Magistrate Court Rules 6-201 and 6-111 NMRA and Municipal Court Rules 8-201 and 8-110 NMRA]

STATE OF NEW MEXICO
[COUNTY OF SAN JUAN

AZTEC MAGISTRATE COURT

STATE OF NM

v.

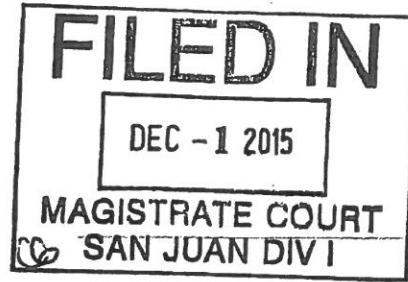
No. M. 147 MR. 15-1092 TRC

AMY VERHOLST

&

In the Matter of the Direct Criminal Contempt of

AMY VERHOLST, Contemnor.



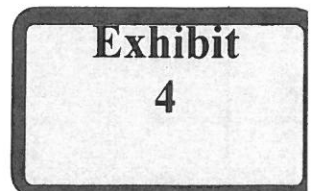
ORDER ON DIRECT CRIMINAL CONTEMPT¹

This matter came before the Court on DECEMBER 1, 2015 (month/day/year).
_____ was represented by _____ (name and title).
_____ was present [pro se] [represented by _____, Esq.]
(name of attorney).

THE COURT FINDS that the contemnor, in the presence of this Court, REFUSED TO LEAVE COURTROOM WHEN ASKED, GIVEN 2ND WARNING, AND OPPORTUNITY TO CHANGE HER ACTION, HER RESPONSE, I WILL NOT LEAVE. DEFENDANT BEING DISRUPTIVE TO COURT, INTERFERRING WITH MY JOB WHICH IS OBSTRUCTING JUSTICE, OPEN DISOBIENDENCE TO THE COURT.

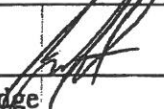
State the action which constitutes direct criminal contempt.)² The Court finds that the contemnor committed direct criminal contempt of this Court.

THE COURT HEREBY ORDERS the contemnor is sentenced to 30 days in the SAN JUAN COUNTY DETENTION CENTER (name of detention center). 0 days are suspended. The contemnor is placed on 0 days BOND, \$1,000 CASH



THE COURT HEREBY ORDERS the contemnor shall pay the following fines and court costs: _____

Fines in the amounts following are hereby suspended:

| | |
|---------|---|
| | |
| 12/1/15 |  |
| Date | Judge |

USE NOTE

1. See NMSA 1978, § 35-3-9 (1991) on contempt. See *City of Bernalillo v. Aragon*, 100 N.M. 547, 673 P.2d 831 (Ct. App. 1983) regarding direct contempt. See *State v. Diamond*, 94 N.M. 118, 607 P.2d 656 (Ct. App. 1980) regarding indirect contempt. See Rule 5-902 NMRA for a discussion of contempt.

2. Include a full statement of the facts, including any warnings given to contemnor.

[As adopted by Supreme Court Order No. 09-8300-037, effective November 16, 2009.]

SENTENCING ORDER

Date: 12/1/15 Docket #: M-147- Defendant: Dmy Verhelst

Charges: _____
Address: _____

PLEA: Guilty [] No Contest [] Not Guilty [] Admit [] Deny []
SET FOR: Bench Trial [] Pre-Trial [] Motion Hearing [] Sentencing []
Hearing [] Jury Trial [] Pre-Jury Conference [] Probation Violation Hearing []
BOND \$ 1000 Bail [] 10% [] Cash [] Appearance [] Property [] No Bond []
COMMITMENT STATUS: Return To Custody [] Release This Docket Only []

FILED IN
DEC -1 2015
MAGISTRATE COURT
SAN JUAN DIV I

FINDING: Guilty [] Not Guilty [] FELONIES: Waived Prelim [] Blind Over [] Discharged []

HEARING RESULT: Held [] P & D Submitted [] change Of Plea [] Failure to Appear [] Rese [] Rese []

| | CHARGE #1 | CHARGE #2 | CHARGE #3 | CHARGE #4 | CHARGE #5 | CHARGE #6 | TOTAL |
|----------------|-----------|-----------|-----------|-----------|-----------|-----------|-------|
| FINE | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| COSTS & FEES | \$ | \$ | \$ | \$ | \$ | \$ | \$ |
| JAIL | | | | | | | |
| JAIL SUSPENDED | | | | | | | |

Amount Of Fines Suspended \$ _____ Payment Agreement [] Bench Warrant Fee \$ _____
TOTAL \$ _____

Mandatory Jail Time 30 Days Pre-Sentence Credit _____ Days Total Days Left To Serve 30
Work Release [] Good Time: [] Payout \$58.00 A Day [] After Serving _____ Days

** IF DEFENDANT IS ACCEPTED FOR WORK RELEASE HE/SHE MUST PAY ALL FEES ASSOCIATED WITH WORK RELEASE

JAIL TIME: CONCURRENT [] with Other Dockets [] Fines [] Other Charges []
CONSECUTIVE [] with Other Dockets [] Fines [] Other Charges []
DWI Facility* [] DWI School [] Interlock System To Be Installed For _____ YEARS

*THE DEFENDANT SHALL PAY THE COST OF HIS TREATMENT AT THE DWI DETENTION/TREATMENT FACILITY UP TO \$2,954.00

COMMUNITY SERVICE: _____ Hours - As Part Of Sentence _____ Hours - In Lieu Of Fines, Fees, Costs
A D. E. Ordered [] V.I.P. Ordered [] SCREENING [] Alcohol [] Drugs [] DV []

TREATMENT As Recommended By Screener []
28 Day Inpatient [] 90 Day Outpatient [] 52 Weeks DV Counseling []

DV VICTIM: [] spouse [] former spouse [] co-parent of child [] continuing personal relationship [] None of these

DV VICTIM: [] Did address the court [] Did not wish to address the court

VEHICLE TO BE IMMOBILIZED [] For _____ Days By (date): _____ Waived []

DEFERRAL _____ Days Conditions: Pay All Costs/Fees [X] No Moving Violations [] No Like Charges []

PROBATION _____ Days Unsupervised [] Magistrate Compliance [] Report By/Within _____

SEE ATTACHED ORDER OF PROBATION FOR CONDITIONS OF PROBATION

COMMENTS: _____

INTERPRETER: _____ ATTORNEY: _____

Copies provided to: _____ Jail via fax _____ Compliance via fax

JUDGE: [Signature] _____ Defendant in person _____ DA
Private Attorney _____ PD

Exhibit
5

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 12 1, 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.

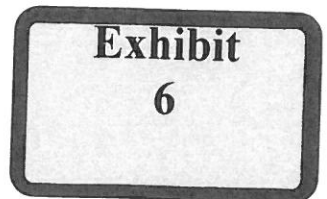
Amy Verhulst
Printed Name
[Signature]
Signature

Signed and sworn to before me this 2 day of December, 2015.

[Signature]
Notary Public

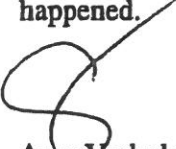
My Commission expires: 2.10.2016

(SEAL)



12-1-15

Judge Johnston came in the clerks office around 8:10 am on this day looking for her files for the daily docket. I told Judge Johnston I put this mornings files on her bench and she said ok Thank you. Then she left and came back into the clerks office and was passing by my cubical when I told her let me get Rebecca she' s going in with you this morning. Judge Johnston responded and said ok I will be in the court room. Then Rebecca Eldridge came into the clerks office shortly after Judge Johnston left my cubical and we proceeded into Courtroom I where Judge Johnston was. Rebecca and myself sat down and were getting situated when Judge Johnston turned around and looked directly at me and said (Amy you need to leave) out loud in front of the whole courtroom. Judge Johnston said Amy your interfering with me being a Judge and my judicial process. Then Judge Johnston said (Amy leave now). So I responded and said ok I will be right back, then got up and left the courtroom. I directly went into Lori's office and told her what just happened.



Amy Verhulst
Court Clerk Leadworker
Aztec Magistrate Court

VERIFICATION

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

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 12-1, 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.

Amy Verhulst
Printed Name

[Signature]
Signature

Signed and sworn to before me this 2 day of December, 2015.

[Signature]
Notary Public

My Commission expires: ~~12-2-2015~~
2.10.2016 JB

(SEAL)

**Exhibit
6A**

12-1-15

Judge Sharer called Judge Johnston off the bench to inform her that 2 clerks would be present with her at all times. Judge Sharer was telling her about the matrix and how she has no control over court staff. Judge Sharer kept repeating himself to Judge Johnston and she was arguing with him I don't recall what she was saying it was all a blur. I just remembering Judge Sharer turning to Rebecca Eldridge and myself and told us to go into the courtroom. So Rebecca Eldridge and I went into the courtroom and sat down and got situated to work. Judge Johnston came into the courtroom and looked at me and said (Amy you need to leave) and I responded I wasn't going to. Then Judge Johnston said I'm giving you a warning you need to leave or I'm going to hold you in contempt. I said I'm not leaving I'm doing my job. I think I said that. Judge Johnston then turn toward the state police officers and said take her, I'm holding her in contempt. Then Judge Sharer told Judge Johnston that she needed to stop what ever she's doing and leave the bench to type up the Order of Contempt so that the state police officers can take Amy. Judge Johnston never left the bench she just proceeded with her case docket. So I just remained with 2 state police officers until my attorney Steve Murphy showed up. Then he told to come with him in the courtroom and so I followed him in the courtroom. We waited in line behind the podium so he could speak to Judge Johnston about holding me into contempt. Marita Robinson a public defender was done with her case and at that time Judge Johnston asked (Mr Murphy what she could do for him). Mr Murphy told her he was representing me and then said to her why are you holding her in contempt. Judge Johnston said because she's not having a clerk looking over her shoulder trying to find mistakes so she can report them back. Steve then said report back to who? Court Staff? Mr Murphy said isn't that her job! Other statements were said I don't recall them. I do recall Mr Murphy finally said well if your holding her in contempt I need the Order and then Judge Johnston gave the Order of Contempt to him. All this took place while she was on the bench.



Amy Verhulst
Court Clerk Leadworker
Aztec Magistrate Court

VERIFICATION

STATE OF NEW MEXICO)
) ss.
COUNTY OF _____)

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 12-1-15, 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.

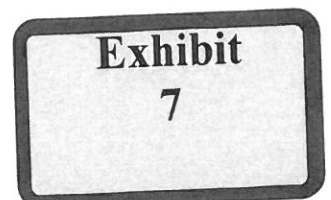
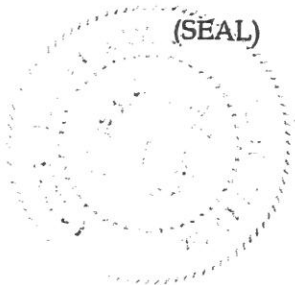
Rebecca Eldridge
Printed Name

REldridge
Signature

Signed and sworn to before me this 3 day of Nov Dec ²⁰¹⁵, 2015.

Leah Lonker
Notary Public

My Commission expires: 11/12/19



12-1-15 Amy called me and told me that Judge Johnston was ready we went into the court room (Amy and I). I logged onto the computer and she told Amy to leave that she was interfering with her being a judge and that Amy needed to leave . So Amy and I left and went to Loris office and Lori told Cruz to go into the court room with me so we went into the courtroom I sat down and started to process the cases that she had already sentenced. I was almost finished with the case in the computer, and she looked at Cruz and asked why she was in there Cruz told her that she was helping me. Judge told her she needed to leave. And Cruz said she was told to come in there and help me. Judge ignored her and asked me If I really needed help and I told her yes I do and she is checking my work. She just looked at Cruz and told her No you need to leave now! And got louder and said I'm not going to allow you in my court room.

Zeldridge

VERIFICATION

STATE OF NEW MEXICO)
) ss.
COUNTY OF _____)

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 12.1.15, 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.

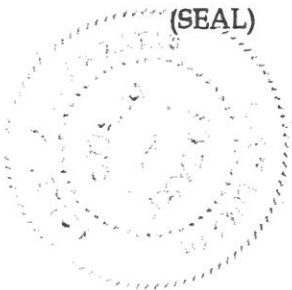
Rebecca Eldridge
Printed Name

REldridge
Signature

Signed and sworn to before me this 3 day of Nov Dec 24, 2015.

Leah Miller
Notary Public

My Commission expires: 11/12/19



**Exhibit
7A**

12-1-15

I went into court per Judge Sharer with Amy and Judge Johnston was out in the hall way talking to Judge Sharer and 2 state police officers were there as well, Judge Johnston told Judge Sharer that if 2 clerks were in the court with her she'd hold them in contempt. She advised that she had control over her court room and Amy was not to go in with me. We were walking in at that time and the door had shut. She walked in a few moments after and told Amy she needed to leave or she was going to have her arrested and Amy advised she was directed by Judge Sharer to come in with me and she was going to stay and Judge Johnston said she was holding her in contempt and asked the Sargent Rempe to take her into custody. At that time Judge Sharer, the Officers, Amy and I left the court room and Judge Johnston stayed on the bench.

A handwritten signature in black ink that reads "REldridge". The letters are cursive and somewhat stylized, with a large initial "R" and "E".

Rebecca Eldridge

VERIFICATION

STATE OF NEW MEXICO)
) ss.
COUNTY OF _____)

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 12.1.15, 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.

Cruzita Garcia
Printed Name

[Signature]
Signature

Signed and sworn to before me this 3 day of Nov Dec 2015, 2015.

[Signature]
Notary Public

My Commission expires: 11/12/19

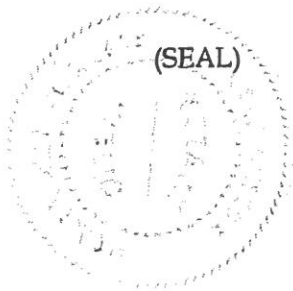


Exhibit
8

On 12-1-15 @ 8:30 AM

I was asked to go into the courtroom with Rebecca in Judge Johnston's courtroom. Rebecca was doing a DWI plea in the computer as Judge Johnston was hearing another case. When she was done talking to the attorneys on the case she was doing, she turned to me and asked why they sent me in the courtroom I told her I was there to help Rebecca. She then asked Rebecca if she needed help, Rebecca said she did because we were checking her work. She asked why we couldn't check it out there. She then said "Cruz I'm sorry but I'm not going to allow you in my courtroom." I said ok got my stuff and Rebecca and I left the courtroom and went into Lori's office.



Cruzita Garcia

Magistrate judge suspended by NM Supreme Court

Steve Garrison, stgarrison@daily-times.com 8:20 p.m. MST December 1, 2015



(Photo: Courtesy of Connie Johnston)

FARMINGTON — Aztec Magistrate Court Judge Connie Johnston was suspended Tuesday by the New Mexico Supreme Court after she ordered a court clerk be jailed for contempt.

Barry Massey, spokesman for the Administrative Office of the Courts, said state Supreme Court Chief Justice Barbara J. Vigil suspended Johnston pending an investigation by the New Mexico Judicial Standards Commission.

Johnston ordered that court clerk Amy Verholst be held in criminal contempt and jailed for 30 days because she refused to leave Johnston's courtroom on Tuesday morning, according to the order of contempt.

Massey said the clerk was in the courtroom to fulfill her job duties, as directed by presiding Magistrate Judge Barry Sharer. The contempt order was reversed by the New Mexico Supreme Court. Vigil said in a letter sent to Johnston on Tuesday that her suspension was "in the best interest of the administration of justice in San Juan County."

Johnston said Tuesday evening that magistrate court clerks have previously harassed her by filing frivolous complaints with both the AOC and the Judicial Standards Commission, and all of those complaints have been unfounded.

"This is not something that just started," Johnston said. "It's something that has been going on for 10 months. It escalated into this, unfortunately."

Johnston said she believed she was being targeted for harassment because she refused to order inappropriate sentences and was a witness to rule violations at the courthouse.

She declined to elaborate on those allegations.

Verholst's attorney, Steve Murphy, provided The Daily Times Johnston's order of contempt.

Murphy said Tuesday that Johnston had verbally threatened a court clerk at the Aztec Magistrate Court and exhibited other bizarre behavior. For their safety, Murphy said, the clerks insisted on working with Johnston in pairs. Murphy said the AOC authorized the clerks working in pairs.

Verholst refused to leave the courtroom on Tuesday because she did not want to leave the other clerk alone, according to Murphy, and Johnston ordered a state police officer to arrest her.

Murphy said he believed the dispute happened in open court. He said he intends to file his own complaint with the Judicial Standards Commission.

Johnston will continue to receive her full salary and benefits until further notice, according to Vigil's letter, but she is barred from carrying out any acts as a magistrate judge.

Johnston is also barred from returning to the Aztec Magistrate Court without prior authorization from the Administrative Office of the Courts, the letter states.

Steve Garrison covers crime and courts for The Daily Times. He can be reached at 505-564-4644.

**Exhibit
10**

12/2/2015 8:41 AM