

**FAXED ORIGINAL**

**IN THE SUPREME COURT  
OF THE STATE OF NEW MEXICO**

No. 29,264

**IN THE MATTER OF HON. JAVIER LOZANO**  
Municipal Court Judge, Columbus, New Mexico

**INQUIRY CONCERNING HON. JAVIER LOZANO**  
Inquiry No. 2014-001



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

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

HON. JAVIER LOZANO  
Columbus Municipal Court  
224 Lima Ave.  
Columbus, New Mexico 88029  
(575) 531-2801  
Fax: (575) 531-0046

RANDALL D. ROYBAL  
*Executive Director & General Counsel*

*Respondent*

DEBORAH BORIO  
*Investigative Trial Counsel*

*Counsel for Petitioner*

SUPREME COURT OF NEW MEXICO  
FILED

JAN - 9 2014

IN THE SUPREME COURT  
OF THE STATE OF NEW MEXICO

No. 29,264

IN THE MATTER OF HON. JAVIER LOZANO  
Municipal Court Judge, Columbus, New Mexico

INQUIRY CONCERNING HON. JAVIER LOZANO  
Inquiry No. 2014-001

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

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

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. Javier Lozano (“Respondent”) from judicial office pending resolution of pending criminal matters 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 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. art. VI, §32; the Supreme Court's power of superintending control under N.M. Const. art. VI, §3; 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. Javier Lozano, is the municipal court judge for Columbus, 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. 2014-001.) The acts alleged are summarized as follows:

A. **Battery (Improper Touching/Sexual Harassment) and Bribery.** On or about August 13, 2013, the Mayor of the Village of Columbus made a report to the Luna County Sheriff's Department that Respondent touched her breast. The Mayor reported that Respondent came to her office to discuss making the Sheriff's Department the fiscal agent for the Law Enforcement Protection Fund and, during the discussion, Respondent reached up and touched her left breast. The Mayor stated that this was not the first time Respondent had impermissibly touched her. After making the report, the Mayor left the Sheriff's Department, but subsequently returned with Respondent. The Mayor confronted Respondent about the incident—in the presence of an officer—and Respondent said that he did not mean to touch her breast. The Mayor told Respondent that he was not to ever put his hands on her or the

female employees at City Hall again, to which Respondent replied that he would not. Respondent later returned to the Sheriff's Department and informed the officer that he did not intend to touch the Mayor that way and that he thought the Mayor was making the accusation because Respondent had been putting pressure on her for the Sheriff's Department to become the fiscal agent for the Law Enforcement Protection Fund. Two days later, when the officer was following up with the Mayor, the Mayor told the officer that on the previous day Respondent came to speak to her about the incident she had reported. The Mayor told the officer that Respondent apologized to her and told her that it would never happen again. Respondent also stated to the Mayor, "Please don't say anything and I will guarantee you 100 votes during re-election," or something to that effect. The Mayor stated she declined Respondent's offer. (See Exhibit B, Affidavit of Nicole

Lawson; Exhibit C, Luna County Sheriff's Department Offense/Incident Report, Offense Number 201308075.)

Petitioner notes that Respondent was disciplined by this Court in 2010 (Inquiry No. 2009-025), Supreme Court Docket No. 29,264, filed June 8, 2010, in part for improper courtroom demeanor during a February 2009 court hearing with two women—a code enforcement officer and a defendant—in which Respondent improperly touched the defendant. This incident occurred shortly after an Equal Opportunity Employment Commission (EEOC) claim against Respondent for improper touching of the same code enforcement officer who was in the February 2009 hearing. The claim was ultimately settled, requiring the Village of Columbus to pay \$2,500.00 to the claimant due to Respondent's improper conduct. Respondent appeared before this Court on May 11, 2010—Respondent's second time appearing before the Court on a disciplinary matter—at which time the Court expressed its

concern about Respondent's conduct, ordered Respondent to complete sexual harassment training, and strongly cautioned Respondent about the potential consequences if he did not refrain from such behavior in the future.

B. **Shoplifting.** On or about September 6, 2013, Respondent is alleged to have shoplifted items from the Family Dollar Store in Columbus. The manager of the store reported to the Sheriff's Department that she believed Respondent had taken a package of shrimp, but she was not sure and needed to check the security cameras. Several days later when an officer from the Sheriff's Department was following up on the incident, he spoke to the assistant manager and learned that earlier in the week the manager confronted Respondent about items in his pocket that he had shoplifted. After he was confronted, Respondent is alleged to have gone to his truck and retrieved other items that he had shoplifted and taken to his truck before the store manager confronted him, and that he then paid for

some of the items. The store manager later confirmed this was indeed what occurred. (See Exhibit D, Luna County Sheriff's Department Offense/Incident Report, Offense Number 201309117.)

C. Larceny. On or about October 11, 2013, Respondent is alleged to have stolen an antique bell from the residence of an individual. The individual reported to the Luna County Sheriff's Department that Respondent came to his house to speak with him about finding a rental property to move into. The individual left Respondent alone for approximately 10-15 minutes while the individual was in another part of the house and when he came back he observed that Respondent had departed and the antique bell was missing. The individual stated the bell had been in the house for approximately 30 years. The individual was certain that Respondent took the bell because he was the only visitor at the house and also because Respondent had previously asked the individual if he would



sell the bell. Respondent could not be located at that time, but was subsequently contacted by Luna County Sheriff's Department officers who placed Respondent under investigative detention and advised him of his rights/*Miranda* warnings for Larceny. Respondent denied taking the bell, but did admit that he had inquired if it was for sale. Although Respondent disclaimed any involvement in the bell's disappearance, Respondent offered to replace the bell with a similar one to make things right and also said he would do everything he could to retrieve the bell. Respondent also requested that if he retrieved the bell, he wanted the Sheriff's Department's promise not to prosecute the individual who had the bell. Respondent informed the officer he would check for the bell at a recycling plant in the bordering Mexican town of Palomas and that, "hopefully, they have not melted it yet," and he could get it back. Later that same day, Respondent informed Sheriff's Department personnel that he had located the bell in

Mexico, but that he would need to fill out a Mexican affidavit to retrieve the bell. Approximately four days later, Respondent turned over the bell and a copy of the Mexican affidavit to the Sheriff's Department, who verified with the individual who reported the theft that it was the bell that was stolen from the residence. (See Exhibit E, Luna County Sheriff's Department Offense/Incident Report, Offense Number 201310075.)

D. Aggravated Assault with a Deadly Weapon. On or about December 6, 2012, the Luna County Sheriff's Department initiated an investigation in response to complaints alleging that Respondent had threatened and intimidated an individual waiting in line for food supplies from a community food bank. The food bank runs this operation every Thursday with the same operating procedures, specifically, individuals obtain a number early in the day and then return in the afternoon and stand in line until their number is called, at which time they can enter the building and obtain food supplies. The situation

started when Respondent went into the building where the food bank was operating, ahead of all the other individuals who had obtained numbers and had been waiting in line for a period of time. Several individuals told police that walking ahead of all the individuals in line and not getting a number was standard behavior for Respondent. Respondent was informed by a food bank worker that individuals outside were upset and Respondent allegedly became angry and went to the door and asked who was complaining about him. When an individual expressed that he was upset by Respondent's actions and that he needed to get a number and wait in line like everybody else, Respondent is alleged to have confronted the individual, told the individual he had a gun, and challenged the individual to a gun fight. Several witnesses reported that they had seen Respondent carrying a gun in his waistband and that the gun was visible; however, they were uncertain if he had it on his person at the time of the confrontation or if he had

taken it to his truck. One individual reported that she was so frightened by the incident that she did not return the following week to obtain food supplies.

On or about January 22, 2013, Respondent was advised of his rights/*Miranda* warnings by a Luna County Sheriff's Department detective for Aggravated Assault with a Deadly Weapon. Respondent told the detective that he was not at the food bank location to receive food supplies, but that he was there to speak to the supervisor about a traffic citation. Respondent stated that a male individual spoke with him in an angry tone and cursed him out, after which a verbal exchange took place and Respondent ultimately said, "I don't have my hands tied up, when you want, whenever you want. I'm not afraid of you," or words to that effect. This exchange was witnessed by approximately 20-30 individuals. Respondent denied that he was carrying a gun at the time. (See Exhibit F,

Luna County Sheriff's Department Offense/ Incident Report,  
Offense Number 201212054.)

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 criminal investigations and the Petitioner Judicial Standards Commission's proceedings. Petitioner's Certificate to this Supreme Court is attached hereto as Exhibit G. Petitioner requests that Respondent's temporary suspension shall be without pay.

8. Petitioner alerts the Court that Respondent has been disciplined twice by this Court. In addition to the matter (Inquiry No. 2009-025) noted in paragraph 3.A. above, Respondent was also disciplined in 2005 (Inquiry No. 2004-67). In that matter, Respondent was involved in a business relationship with an auction service that received commissions or fees to conduct auction sales of impounded vehicles. Respondent received monetary compensation from the sales and had at least once ordered the release of an impounded vehicle from which he would have personally profited through his business relationship.

WHEREFORE, Petitioner prays for an Order from the Court that immediately and temporarily suspends Respondent Hon. Javier Lozano from judicial office, without pay, pending completion of the criminal investigations and Petitioner's proceedings.

Respectfully Submitted,

JUDICIAL STANDARDS COMMISSION



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RANDALL D. ROYBAL  
*Executive Director & General Counsel*

DEBORAH BORIO  
*Investigative Trial Counsel*

Post Office Box 27248  
Albuquerque, NM 87125-7248  
(505) 222-9453


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  
9th day of January, 2014

  
\_\_\_\_\_  
Notary Public



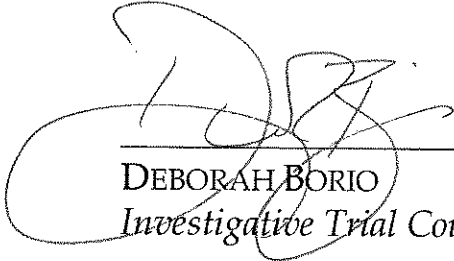
My Commission expires: 01/08/2015




CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed via regular mail and via certified mail, return receipt requested, on this 9<sup>th</sup> day of January, 2014 to the Respondent as follows:

*Hon. Javier Lozano  
Columbus Municipal Court  
224 Lima Ave.  
Columbus, New Mexico 88029*

  
DEBORAH BORIO  
*Investigative Trial Counsel*

I FURTHER CERTIFY that a true and correct copy of the foregoing will be promptly and personally served upon the Respondent.

  
DEBORAH BORIO



STATE OF NEW MEXICO  
JUDICIAL STANDARDS COMMISSION

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

FILED

JAN - 9 2014

NM JUDICIAL  
STANDARDS COMMISSION

January 9, 2014

RANDALL D. ROYBAL  
*Executive Director & General Counsel*

PHYLLIS A. DOMINGUEZ  
*Investigative Trial Counsel*

DEBORAH BORIO  
*Investigative Trial Counsel*

CONFIDENTIAL

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Hon. Javier Lozano  
Columbus Municipal Court  
224 Lima Ave.  
Columbus NM 88029

*Re: Inquiry No. 2014-001*

Dear Judge Lozano:

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 August 13, 2013, you improperly touched, sexually harassed, and/or committed battery upon the Mayor of the Village of Columbus.
2. On or about August 14, 2013, you told the Mayor of the Village of Columbus that if she would not pursue her complaint against you for improperly touching her, you would guarantee her 100 votes if she ran for re-election.
3. On or about September 6, 2013, you shoplifted various items from the Family Dollar Store in Columbus, New Mexico.
4. On or about October 11, 2013, you stole a bell from a residence and were subsequently charged with Larceny by the Luna County Sheriff's Department. Although you denied stealing the bell, you offered to replace or retrieve the bell in exchange for the Sheriff's Department's promise not to prosecute the individual who had the bell.
5. On or about October 22, 2013, you possessed and/or retrieved stolen property—a bell—and turned it over to the Sheriff's Department, who verified that it was the bell you were accused of stealing.

Exhibit A

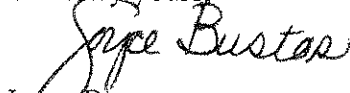
6. On or about December 6, 2012, you publicly confronted, intimidated, challenged and/or threatened an individual with a gun fight after he complained that you had failed to comply with the process of obtaining a number and waiting outside in line for food supplies, but instead went into the building where food supplies were being distributed ahead of everyone else who was, and had been, waiting in line.

7. On or about January 22, 2013, you were charged with Aggravated Assault with a Deadly Weapon by the Luna County Sheriff's Department, for the incident occurring on or about December 6, 2012.

8. In your interview with a Luna County Sheriff's Department officer on January 22, 2013, you claimed that, with regard to the incident on December 6, 2012, you were not going into the building for food supplies, but were going to talk to the food bank program manager about a traffic citation, which is an impermissible *ex parte* communication.

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,

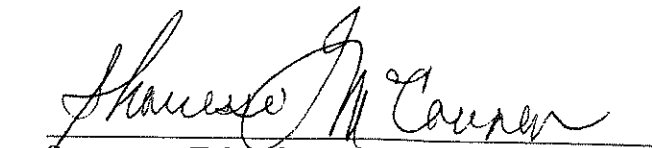


Joyce Bustos  
Chair

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing was mailed on the 9<sup>th</sup> day of January 2014, by regular mail and by certified mail, return receipt requested, to:

*Hon. Javier Lozano*  
*Columbus Municipal Court*  
*224 Lima Ave.*  
*Columbus NM 88029*



SHARIESSE T. MCCANNON  
Clerk of the Commission

**FILED**

JAN - 9 2014

BEFORE THE JUDICIAL STANDARDS COMMISSION  
OF THE STATE OF NEW MEXICONM JUDICIAL  
STANDARDS COMMISSION

INQUIRY CONCERNING A JUDGE

Inquiry No. 2014-001

AFFIDAVIT OF NICOLE LAWSON

1. My name is Nicole Lawson. I am over the age of 18. I am competent to make this sworn statement and do so freely and willingly.
2. I am currently the Mayor of the Village of Columbus and have been since I was appointed in 2011.
3. On August 13, 2013, I was in the conference room speaking with the Municipal Court Judge, Javier Lozano.
4. Judge Lozano and I were seated opposite each other at a conference table, approximately two (2) feet apart, when Judge Lozano leaned across the table and cupped my left breast with his hand.
5. After Judge Lozano touched me, I reported the incident to the Luna County Sheriff's Department.
6. I have known Judge Lozano for twelve (12) years.
7. Judge Lozano has touched me multiple times in the time I have known him and I have repeatedly told him not to touch me.
8. When I was at the Sheriff's Department, I told Judge Lozano in front of the officer that he was not to ever touch me or my female employees again, to which Judge Lozano replied, "Ok, I understand. I won't."
9. The day after I made the report to the Sheriff's Department, Judge Lozano approached me and told me that if I was running for Mayor again that he would guarantee me 100 votes if I would not pursue my complaint against him. I also reported this incident to the Luna County Sheriff's Department.

Further affiant sayeth naught.

  
Nicole Lawson

Exhibit B

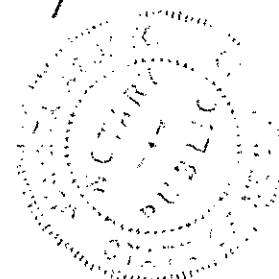
Affidavit of Nicole Lawson  
Inquiry No. 2014-001

Subscribed and sworn before me this 8 day of January 2014 by Nicole Lawson

My Commission Expires

June 8<sup>th</sup>, 2014

Janita Aguayo  
Notary Public



**Luna County Sheriff's Department  
Offense/Incident Report**

12/30/2013 9:32am

Page 1

Offense Number: 201308075

Report Date: 8/13/2013

Day of Week: Tuesday

Jurisdiction: 1

District:

Reporting Area: L

Grid: S

Location: 220 W Broadway  
Columbus, NM 88029

Business Name:

Place Committed: State Government Facility

Committed From:

Thru:

Status: Open

GPS North: 31 8305  
GPS West: 107 6401

**Officers**

Name	Badge	Agency	Assigned	Arrived	Cleared	Resp	Total
Garcia, Trini	Luna 25	Luna County Sheriff's Depar	08/13/13 10:53	08/13/13 10:53	08/13/13 13:40	0.00	2.78

**Offenses**

Description: BATTERY/NON FAMILY-HANDS,FISTS,FEET,ECT... Status: Open

**Reported By Information**

Reporter Name: Lawson, Nicole Race: White  
Address: [REDACTED] Sex: Female  
Home Phone: Cell Phone: [REDACTED] Ethnicity: Non Hispanic  
Work Phone: [REDACTED] DOB: [REDACTED]  
Employer: Village of Columbus Age: 38  
Narrative:

**Other Party Information**

Type: Offender  
Name: Lozano, Javier Race: Hispanic  
Address: [REDACTED] Sex: Male  
Home Phone: Cell Phone: [REDACTED] Ethnicity: Hispanic  
Work Phone: [REDACTED] DOB: [REDACTED]  
Employer: Village of Columbus Age: 71  
Narrative:

**Case Narrative**

Officer: Trini Garcia Date: 08/13/13 Time: 11:35

Narrative: On August 13, 2013 at approximately 1053 hours, I, Cpl. Garcia took a walk in report at the Sheriff's Department Sub-Station in Columbus NM county of Luna. The reporting party was a Lawson, Nicole who is currently the Mayor for the Village of Columbus. She told me that "Javier" (Lozano-Village of Columbus Judge) had come into her office at City Hall and began to tell her "The Sheriff isn't going to write tickets in the Village until the fiscal agent is decided" and then according to Ms. Lawson he reached up and touched her left breast. She then demonstrated to me how he had reached up touched her. I then asked her what had happened next and she told me that she was in shock and that she walked away at that point and came over to the Substation to report the incident.

I then asked Ms. Lawson if Mr. Lozano had said anything to her about the incident and she told me no. I then asked her if she wanted to press charges on Mr. Lozano and she told me "Yes I want to press charges this isn't the first time he has put his hands on me and I want it to stop". I then told Ms. Lawson that I would file the report and take the proper steps needed and would be in contact with her. She then left.

I then called Detective Brookhouser to inform him of the call and he told me that he would get back with me. At about that time Ms. Lawson and Mr. Lozano came back to the Substation

Exhibit C

**Luna County Sheriff's Department**

**Offense/Incident Report**

12/30/2013 9:32am

Page 2

Offense Number: 201308075

Report Date: 8/13/2013

Day of Week: Tuesday

Jurisdiction: 1

District:

Reporting Area: L

Grid: S

together and sat in my office. Ms. Lawson then confronted Mr. Lozano about the incident and he said that he didn't mean or intend to. She then told him that she didn't want him putting his hands on her ever again or anyone else at City Hall. Mr. Lozano then said that she had never mentioned it to him in the past but that he would never do it again. They both then got up to leave and I asked Ms. Lawson to wait. Mr. Lozano then left and I then asked Ms. Lawson again if she wanted to pursue charges and she said yes and left.

I then called Detective Brookhouser and he informed me to call State Police and ask them to take over the investigation due to a conflict of interest between the Village of Columbus and Sheriff's Department. While speaking to Detective Brookhouser Mr. Lozano came back to the station and told me that he has known Ms. Lawson for over twenty years and never intended to touch her that way. He said that he thought she was making the accusations because she was upset that he was putting pressure on her for the Sheriff's Department to become the fiscal agent for the LEPP (Law Enforcement Protection Fund).

I then called the State Police Office and spoke to State Police Officer Avina. I then explained to him what had been reported to me by Ms. Lawson and the conflict of interest. State Police Officer Avina then told me that he would be on his way. (1135 hours)

The case will be turned over to State Police for further investigation.

At 1430 I Cpl Garcia spoke to State Police Office Avina and he advised me that State Police would not be handling the call after since I had taken the initial report and information. Report will now be submitted to the District Attorneys Office for review.

Nothing further at this time

Officer: Trini Garcia

Date: 08/15/13

Time: 13:21

Narrative:

On August 15, 2013 at approximately 1030 hours, I, Cpl. Garcia spoke with Ms. Lawson at the substation in Columbus NM county of Luna about the report she had filed. I told her that I had submitted the information she had given me to the District Attorney's Office for review and that I would let her know about their findings and decision when it became available to me. She said ok.

She went on to say that yesterday the 14th of August 2013 Mr. Lozano went to City Hall in Columbus NM and asked to speak to her about the incident she had reported. She told me that at first she told Mr. Lozano she didn't want to talk to him and asked him to leave. She then said she let her "soft" side come out and decided to speak to Mr. Lozano. She then told me that he (Mr. Lozano) again apologized to her and assured her that it would never happen again and in her words Mr. Lozano told her "Please don't say anything and I will guarantee you 100 votes during re-election. She then said she told him she didn't need his help and that's where the conversation ended.

Nothing further at this time

## Luna County Sheriff's Department Offense/Incident Report

12/30/2013 9:34am

Page 1

Offense Number: 201309117

Report Date: 9/6/2013

Day of Week: Friday

Jurisdiction: 1

District:

Reporting Area: L

Grid: S

Location: 4635 State Road 11  
Columbus, NM 88029

Business Name: Family Dollar

Place Committed: Private Property

Committed From:

Thru:

Status: Open

GPS North: 31 7873  
GPS West: 107 6297

Officers							
Name	Badge	Agency	Assigned	Arrived	Cleared	Resp	Total
Garcia, Trini	Luna 25	Luna County Sheriff's Depar	09/12/13 10:30	09/12/13 10:30	09/12/13 13:30	0.00	3.00

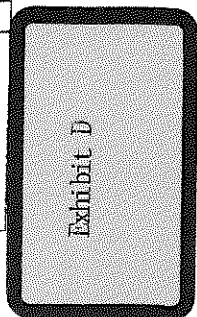
Offenses	
Description: Informational	Status: Open

Reported By Information			
Reporter Name: Cardoza, Eva	Race: Hispanic		
Address: [REDACTED]	Sex: Female		
Home Phone:	Cell Phone: [REDACTED]	Ethnicity: Hispanic	DOB: [REDACTED]
Work Phone:		Age: 37	
Employer: Family Dollar			
Narrative:			

Suspect Information			
Suspect Name: Lozano, Javier	Race: Hispanic		
Address: [REDACTED]	Sex: Male		
Home Phone:	Cell Phone: [REDACTED]	Ethnicity: Hispanic	DOB: [REDACTED]
Work Phone:		Age: 71	
Employer: Village of Columbus	Ht & Wt: 6' 0" 185 lbs.		
Drivers' License: NM [REDACTED]	Soc. Sec. #:	Eyes: Brown	Facial Hair:
Hair:			
Narrative:			

Other Party Information			
Type: Mentioned in Report			
Madrid, Herminia	Race: Hispanic		
Address: [REDACTED]	Sex: Female		
Home Phone:	Cell Phone: [REDACTED]	Ethnicity: Hispanic	DOB: [REDACTED]
Work Phone:		Age: 53	
Employer: Family Dollar			
Narrative:			

Case Narrative			
Officer: Trini Garcia	Date: 09/06/13	Time: 11:15	
Narrative:	On Sept. 6, 2013 at approximately 0715 hours I, Cpl. Garcia spoke to Cpl. Ojeda who told me that he had received a call from the manager at Family Dollar in Columbus NM county of Luna and that she wanted to speak to a deputy in Columbus. I then called and spoke to a Cardoza, Eva the store manager of Family Dollar and she told me that she thought that Columbus Judge		





**Luna County Sheriff's Department**  
**Offense/Incident Report**

12/30/2013 9:34am

Page 2

Offense Number: 201309117

Report Date: 9/6/2013

Day of Week: Friday

Jurisdiction: 1

District:

Reporting Area: L

Grid: S

Javier Lozano had shoplifted a package of some type of shrimp but wasn't sure. This incident allegedly occurred on the fifth of September 2013. She then told me that she needed to check the security cameras but hadn't had a chance to. She then told me that she would try and check the next day and would let me know. I then told her okay, and that I would contact her on Monday (9/09/13). She said okay.

Nothing further at this time

Officer: Trini Garcia

Date: 09/12/13

Time: 13:30

Narrative:

On Sept. 12, 2013 at approximately 0930 hours I, Cpl. Garcia called Family Dollar in Columbus NM county of Luna. I was able to speak to Ms. Cardoza after not being able to make contact with her on Monday the ninth of September 2013. I then spoke to a Madrid, Herminia the assistant manager who told me that Eva was not in and then asked me if I was calling in reference to Judge Lozano. I then said yes and she told me that on Saturday the seventh of September 2013 Eva had caught the Judge with items in his pocket and confronted him about it. Herminia then told me that as a result of Eva catching Judge Lozano he went out to his truck and retrieved some items he had taken prior to getting caught. She also told me that the Judge had paid for some of the items that he had previously taken as well. I then asked Herminia if she knew the result of the security camera and she told me no, that only Eva had access to the videos. I have not spoken to Ms. Cardoza again to get her statement. I left a message with Herminia to have Ms. Cardoza call when she returns back to work.

I did call the District Attorney's Office and spoke to ADA Sheri and gave her the information that I had up to that point. She then asked me to get a hold of Eva and ask if a copy of the video surveillance could be obtained. I then told her that Ms. Cardoza was in training and that the assistant manager did not know when she would return to work again. ADA Sheri then told me the District Attorney would pursue charges regardless if Family Dollar did not want to. She asked me to get a total amount if possible.

Nothing further at this time

**Luna County Sheriff's Department**  
**Offense/Incident Report**

12/30/2013 9:34am

Page 3

Offense Number: 201309117

Report Date: 9/6/2013

Day of Week: Friday

Jurisdiction: 1

District:

Reporting Area: L

Grid: S

Officer: Trini Garcia

Date: 09/13/13

Time: 14:00

Narrative: On Sept. 13, 2013 at approximately 0900 hours, I, Cpl. Garcia called Cardoza, Eva in reference to attempting to get a statement from her about Judge Javier Lozano being caught shoplifting at the Family Dollar in Columbus NM county of Luna. She then told me she would be working for most of the day. I then told her that I would drive directly to the store to meet with her and asked if she would fill out a statement about what had taken place and she said yes.

I then arrived at approximately 0930 hours with Cardoza, Eva and she told me that she hadn't had a chance to review the video but she then told me that on Sept. 7th 2013 she caught Judge Javier Lozano shoplifting with items from the store in his pocket(s). She told me that the verbal confrontation had gotten to the point that she "was afraid because I was the only one in the store with him".

She then said that Judge Lozano went to his truck and retrieved some items from his truck that he had already taken. She said that Judge Lozano came into the store, took some items, went to his truck and put them there and returned into the store to get more items and it was at that time she caught him. She then told me that the Judge paid for some items he had previously taken as well. She said that the amount wasn't very much and couldn't tell me the worth.

I then asked her if she could fill out a written statement and possibly get a copy of the video surveillance. She told me that she would have to check with her district manager about the video. I told her okay and asked her to call me when her statement was complete and I would return back to the store for it. I told her that I was going to be in Columbus until three PM that day and she said okay.

As of 1430 hours, I have not received any phone calls from Ms. Cardoza about the statement prior to my departure from Columbus.

Nothing further at this time

Officer: Trini Garcia

Date: 09/18/13

Time: 11:53

Narrative: On Sept. 18, 2013 at approximately 0945 hours, I, Cpl. Garcia called Ms. Cardoza in reference to not having heard from her about the written statement she had agreed to give. She told me that she had talked it over with her district manager and that Family Dollar did not wish to pursue charges against Judge Lozano and she had not written the statement out. She continued on to say that video footage was reviewed and "It didn't show anything".

I then told her that was fine for now about Family Dollar not wanting to pursue the charges but that the District Attorney's Office in Deming was still going to pursue the matter according to them. I then told her that the statement was still needed in order to complete my report. She told me that she would still have to talk it over with her boss. Again I reminded her that the case was still going forward according to the DA's Office and asked if she could still fill out the statement and she said "Okay".

Nothing further at this time

**Luna County Sheriff's Department**  
**Offense/Incident Report**

12/30/2013 9:34am

Page 4

Offense Number: 201309117

Report Date: 9/6/2013

Day of Week: Friday

Jurisdiction: 1

District:

Reporting Area: L

Grid: S

Officer: Trini Garcia

Date: 09/19/13

Time: 15:08

Narrative:

On Sept. 19, 2013 at approximately 1155 hours, I, Cpl. Garcia went to Family Dollar in Columbus NM county of Luna. I spoke with Ms. Cardoza and asked if she had written out her statement about the incident that had occurred with Judge Javier Lozano on Sept. 7, 2013. She told me that she hadn't done so because she hadn't had time.

In speaking with her she told me that she "really don't want to do it" I then asked why and she told me that she didn't want to go to court because she would have to miss work and it was hard to make up those days. I then told her she would have to talk to the District Attorney's Office about that and they could give her better information than I could.

She then told me that she had originally just wanted to talk to a deputy about it and not pursue it. I then told her that I had a duty to her and Family Dollar to document and report the incident to my superiors as well. She then told me that she would fill out her statement. I told that I would check with her on the next day and she told me "Okay I'll get it done".

Nothing further at this time

## Luna County Sheriff's Department Offense/Incident Report

12/30/2013 9:35am

Page 1

Offense Number: 201310075      Report Date: 10/12/2013      Day of Week: Saturday

Jurisdiction: 1      District:      Reporting Area: L      Grid: S

Location: [REDACTED]      Business Name:  
Place Committed: House

Committed: 10/11/2013 15:00      Status: Active

GPS North: [REDACTED]  
GPS West: [REDACTED]

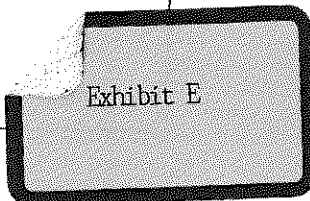
Officers							
Name	Badge	Agency	Assigned	Arrived	Cleared	Resp	Total
Daniels, Donnie	Luna 20	Luna County Sheriff's Depar	10/12/13 16:51	10/12/13 16:54	10/12/13 18:16	0.05	1.42
Holguin, David	Luna30	Luna County Sheriff's Depar				0.00	0.00

Offenses	
Description: LARCENY/FROM RESIDENCE	Status: Open

Reported By Information			
Reporter Name: Miranda Ramirez, Heraclio	Race: Indian		
Address: [REDACTED]	Sex: Male		
Home Phone:	Cell Phone:	Ethnicity:	[REDACTED]
Work Phone:		DOB:	[REDACTED]
Employer:		Age:	71
Narrative:			

Suspect Information			
Suspect Name: Lozano, Javier	Race: Hispanic		
Address: [REDACTED]	Sex: Male		
Home Phone:	Cell Phone: [REDACTED]	Ethnicity: Hispanic	
Work Phone:		DOB: [REDACTED]	
Employer: Village of Columbus		Age: 71	
Drivers' License: NM [REDACTED]	Soc. Sec. #:	Ht & Wt: 6' 0"      185 lbs.	
Hair:		Eyes: Brown	
		Facial Hair:	
Narrative:			

Stolen Property	
<b>Miscellaneous</b>	
<b>Desc</b>	
Antique Bell	
Stolen Value:	Description: Antique Bell
Recovery Code: Local/Local	Stolen Location: [REDACTED]
Recovery Value: \$250.00	Recovery Date/Time: 10/22/2013
In Property Room: No	Recovery Location: Palomas, Mexico
Release Date/Time:	Storage Location:
Released By:	Released To:
Narrative:	



**Luna County Sheriff's Department**  
**Offense/Incident Report**

12/30/2013 9:35am

Page 2

Offense Number: 201310075

Report Date: 10/12/2013

Day of Week: Saturday

Jurisdiction: 1

District:

Reporting Area: L

Grid: S

Unrecovered Stolen Value: \$0.00

**Case Narrative**

Officer: Donnie Daniels

Date: 10/12/13

Time: 19:27

Narrative: On 10/11/13 at 1651 hours, I Sgt. Daniels was dispatched to the City Hall in Columbus in reference to a subject wanting to file a report of a larceny.

Upon arrival I made contact with Heraclio Miranda Ramirez. Heraclio told me that today at approximately 1445 hours Javier Lozano (Columbus Judge) came to his house and was asking him if he had a place for rent because he and his girlfriend had been having problems and he was looking to move out.

Heraclio stated that Javier was at the house for a while then said good bye and left the residence. Heraclio stated that he went to the restroom for ten to fifteen minutes and when he came out he noticed that an antique bell which was used to hold the front door open was gone. Heraclio stated the home belongs to Carlos Ogden who is currently in Miami Florida. Heraclio stated he takes care of several properties for Mr. Ogden and was very upset because the bell has been in the house for around thirty years when he first met the Ogdens.

Heraclio stated that the bell is made of bronze and weighs approximately 35 to 40 pounds and was made in 1811. Heraclio believes the bell is worth \$3,000.

Detective Holguin asked Heraclio if he thinks anyone else might have taken the bell. He stated that he knows that Javier took the bell because no one ever comes to the house to visit with him. Heraclio stated he thinks Javier is sick in the head. He stated that Javier came to the house several days ago and took an Aloe-Vera plant that was on the front porch (porch is enclosed with window screen).

Heraclio also told Detective Holguin that Javier had asked if he would sell the bell. Heraclio told Javier that he could not sell it because it did not belong to him.

Heraclio did not have a contact number for Carlos Ogden; however he gave us his daughter Adelita Ogden's number [REDACTED]

I contacted Chief Baeza and briefed him on the information given to me by Heraclio. Chief Baeza told me that due to a conflict of interest if I could make contact with State Police and request they handle the call. I had dispatch contact State Police and I was told by dispatch that they declined to handle the call.

Detective Holguin processed the scene [REDACTED] and advised me that he would be following up on this incident.

Report made on this incident

**Luna County Sheriff's Department**  
**Offense/Incident Report**

12/30/2013 9:35am

Page 3

Offense Number: 201310075

Report Date: 10/12/2013

Day of Week: Saturday

Jurisdiction: 1

District:

Reporting Area: L

Grid: S

Officer: David Holguin

Date: 10/11/13

Time:

Narrative: Supplemental Report: David Holguin #30

On 10/11/2013 I, Inv. David Holguin, while en route to work Operation Stone garden south bound traffic at the Columbus Port of Entry I was contact by Sgt. Donnie Daniels to translate for him on a call in Columbus, NM.

Upon arrival to the Luna County Sheriff's substation I made contact with Sgt. Daniels and a male individual by the name of Heraclio Ramirez. Mr. Ramirez stated he wanted to report a larceny of an antique bell that belonged to Carlos Ogden. Mr. Ramirez stated he is the caretaker of some properties that belong to Mr. Ogden and is living in one of the homes. Mr. Ramirez said earlier today Javier Lozano (Columbus Municipal Judge) came to acquire about one of Mr. Ogden's homes for rent. Mr. Ramirez stated Mr. Lozano came into the home and told him he was having problems with his girlfriend.

Mr. Ramirez said he has problems with his stomach and told Mr. Lozano to wait while he relieved himself in the restroom. Mr. Ramirez stated he was in the restroom for about 10 to 15 minutes and when he came out he noticed Mr. Lozano and the antique bell were gone. Mr. Ramirez stated he knows Mr. Lozano took the bell because Mr. Lozano had asked him if he was willing to sell the bell and he told Mr. Lozano it was not his to sell as it belongs to Mr. Ogden.

Mr. Ramirez stated a couple of days prior to this incident he was visited by Mr. Lozano and he believes Mr. Lozano took his Aloe Vera plant from the front porch. Mr. Ramirez stated he's lived in this house for approximately 8 years and he has never had this problem. Mr. Ramirez stated he seldom gets visitors and he sticks to himself most of the time. Mr. Ramirez stated he does not have a contact number for Mr. Ogden who lives in Miami, Florida. Mr. Ramirez stated he does have a phone number for Mr. Ogden's daughter, Adela Ogden, and gave the number to Sgt. Daniels.

I photographed the scene and informed Mr. Ramirez I would investigate this incident further. Mr. Ramirez stated ok and thanked us for coming out. I then cleared the area and made an attempt to locate Mr. Lozano. I had negative results in locating Mr. Lozano at his place of residence.

Nothing further to report at this time; Case #201310075 is ACTIVE for further investigation.

Officer: David Holguin

Date: 10/17/13

Time:

Narrative: Supplemental Report: David Holguin #30

On 10/17/2013 I, Inv. David Holguin, made contact with Adela Ogden, daughter of Carlos Ogden, in reference to the antique bell. I informed Ms. Ogden I was investigating the missing bell.

Ms. Ogden stated she was aware of the incident and was trying to locate any documentation on the bell. I asked if the value Mr. Ramirez gave was accurate and she stated yes. Ms. Ogden stated her father has had that bell for over 30 years and she would confirm with her father if the value is right. Ms. Ogden stated as soon as they found any paper work she would mail or fax that information. Ms. Ogden stated they do not live in Deming.

I informed Ms. Ogden a copy of this report will be on file at the Luna County Sheriff's Office. Ms. Ogden stated she understood.

Nothing further to report

**Luna County Sheriff's Department**  
**Offense/Incident Report**

12/30/2013 9:35am

Page 4

Offense Number: 201310075

Report Date: 10/12/2013

Day of Week: Saturday

Jurisdiction: 1

District:

Reporting Area: L

Grid: S

Officer: David Holguin

Date: 10/18/13

Time:

Narrative: Supplemental Report: David Holguin #30

On October 18, 2013 I, Inv. David Holguin, was contacted by Cpl. Trini Garcia who informed me that he had made contact with Javier Lozano (Columbus Municipal Judge).

Cpl. Garcia stated he had advised Mr. Lozano that I needed to speak with him in reference to a case I was investigating. Cpl. Garcia advised me that Mr. Lozano agreed to speak with me at the Luna County Sheriff's Office and was placed under investigative detention.

Upon arrival I made contact with Mr. Lozano and advised him I would like to interview him. Mr. Lozano stated he understood and was escorted to the LCSO interview room. I informed Mr. Lozano I was investigating a larceny of an antique bell taken from Carlos Ogden's residence at [REDACTED] in the county of Luna.

With the assistance of Inv. Israel Saenz we interviewed Mr. Lozano about the missing antique bell. I read Mr. Lozano his Miranda warning, which he said he understood, waived his right to legal counsel and wished to give his statement. During the course of the interview Mr. Lozano denied his involvement in the taking of the antique bell.

Investigators asked Mr. Lozano a series of questions about the antique bell. Inv. Saenz asked Mr. Lozano if he knows Mr. Carlos Ogden and he stated "years, since 1991 or 1992". Mr. Lozano was asked if he knew an individual by the name of Heracilo Ramirez and he stated not by name, only by face. Investigators asked Mr. Lozano if he had ever met this individual. Mr. Lozano stated he met Mr. Ramirez many times at the park in Columbus and at Mr. Ogden's residence to ask about a rental.

Mr. Lozano stated he made contact with Mr. Ramirez once at Mr. Ogden's residence and only spoke with him briefly. Mr. Lozano stated he met with Mr. Ramirez a second time and only to ask about a rental. Mr. Lozano stated he was only there for about five minutes and Mr. Ramirez never left his side.

Inv. Saenz asked Mr. Lozano if he had been inside the house and he stated yes. Mr. Lozano stated he sat in a chair in the living room just across from Mr. Ramirez and only to talk about the rental. Mr. Lozano was asked if anything else was talked about and he stated no. Mr. Lozano was then asked about the antique bell and he stated he had asked if it was for sale. Mr. Lozano stated Mr. Ramirez told him no and they never spoke about it again.

Investigators asked Mr. Lozano if he had seen the bell and he stated yes. Mr. Lozano stated he saw the bell from only a distance. Mr. Lozano said he has seen similar bells in Ascension, Mexico.

During the course of the interview, Inv. Saenz asked Mr. Lozano when the last time he had been in Mr. Ogden's house and he stated the last time was 15 years ago. Investigators asked Mr. Lozano if he had any interest in the bell and he stated yes. Mr. Lozano stated the second time he made contact with Mr. Ramirez he asked if he would sell the bell and Mr. Ramirez stated no.

Mr. Lozano stated if the bell was missing he would go and buy a similar bell to make things right. Mr. Lozano stated he would do everything in his power to retrieve the bell. Mr. Lozano also stated if he retrieved this bell, he wanted us to give him our word that we would not prosecute this individual who had it. Investigators advised Mr. Lozano we could not make promises.

During the course of the interview, Mr. Lozano stated he would check with a recycling plant (El Ranchito) in Palomas, Mexico to make sure the bell was not there. Mr. Lozano stated he would contact them and in his own words stated "hopefully they have not melted it yet and he could get

**Luna County Sheriff's Department**  
**Offense/Incident Report**

12/30/2013 9:35am

Page 5

Offense Number: 201310075

Report Date: 10/12/2013

Day of Week: Saturday

Jurisdiction: 1

District:

Reporting Area: L

Grid: S

it back". Mr. Lozano stated to investigators as soon as he got home he would drive into Mexico and retrieve the bell. Mr. Lozano stated if he located the bell he would make contact with us and again asked for our word not to prosecute this individual.

Nothing further to report; Case #201310075 will remain OPEN for further investigation.

Officer: David Holguin

Date: 10/18/13

Time:

Narrative: Supplemental Report: David Holguin #30

On October 18, 2013 at approximately 1800 hours I, Inv. David Holguin, while working Stone garden in Columbus, NM, was contacted by Lt. Gary Leyba who informed me that he received a phone call from Javier Lozano.

Lt. Leyba stated Mr. Lozano informed him that he had located the antique bell in Mexico. I was advised by Lt. Leyba to make contact with Mr. Lozano and retrieve the bell. I then informed Sgt. Donnie Daniels and Dep. Joseph Carlos about the situation and at approximately 1854 hours we made contact with Mr. Lozano at his residence [REDACTED]

I informed Mr. Lozano that I was advised to retrieve the bell and Mr. Lozano stated the bell was not here and he needed to retrieve from Mexico. Mr. Lozano stated when he arrived from Deming he drove into Mexico and the Mexican police informed him that someone found the bell in an empty lot in Palomas, Mexico. Mr. Lozano stated he had to fill out a Mexican affidavit in order to retrieve the bell.

Mr. Lozano stated he would not be able to retrieve the bell until Tuesday (10/22/2013) from the Mexican police. Mr. Lozano stated that's when he would bring it by the Luna County Sheriff's Office. Deputies cleared and made contact with United States Customs Agent Supervisor Leticia Ballesteros. I informed Agent Ballesteros that I had spoken with US Customs Agent Supervisor Javier Gallosa earlier today (10/21/13) asking him if he could place a crossing BOLO for Javier Lozano.

Agent Ballesteros stated the BOLO was made and Mr. Lozano is a regular crosser into and from the Mexican border and most agents know him. Agent Ballesteros checked while I was present to see how many times Mr. Lozano had crossed today and she was unable to retrieve that information. Agent Ballesteros stated the BOLO would remain in the system for a few more days and they would make contact with me if Mr. Lozano does cross.

Nothing further to report; a copy of the taped audio recording on Mr. Lozano is attached to this report.

Officer: David Holguin

Date: 10/22/13

Time:

Narrative: Supplemental Report: David Holguin #30

On October 22, 2013 I, Inv. David Holguin, made contact with Javier Lozano (Columbus Municipal Judge) at the Luna County Sheriff's Office, in reference to the missing antique bell.

Mr. Lozano stated he had retrieved the missing bell from Palomas, Mexico and had a signed affidavit from Mexico. Mr. Lozano handed me the bell and a copy of the affidavit. I asked Mr. Lozano if this bell was the one he saw and belonged to Mr. Ogden and he stated yes.

Nothing further to report



**Luna County Sheriff's Department**  
**Offense/Incident Report**

12/30/2013 9:35am

Page 6

Offense Number: 201310075

Report Date: 10/12/2013

Day of Week: Saturday

Jurisdiction: 1

District:

Reporting Area: L

Grid: S

Officer: David Holguin

Date: 10/22/13

Time:

Narrative: Supplemental Report: David Holguin #30

On October 22, 2013 I, Inv. David Holguin, made contact with Richard Manning, from The Galleria of Antiques, at 204 S. 8th St. in Deming, NM.

I informed Mr. Manning I was requesting an appraisal on an antique bell marked 1811 that belongs to Carlos Ogden. Mr. Manning stated he does not have his certification to give appraisals but he could give me his educated guess on the value and how old the bell is.

Mr. Manning stated he has worked in this profession for many years and he could tell if an item is authentic. Mr. Manning looked the bell over and stated it was around 30 years old. Mr. Manning went on to say the bell's value, if it was in his store would cost \$250.00. Mr. Manning stated the bell has too many add-ons to be authentic. Mr. Manning stated the crown and staple of the tongue (clappers' holder) were pre-made and not forged to be consistent with the year stamped.

Mr. Manning stated for years he has seen many bells come from Mexico that were not authentic bells. Mr. Manning stated this bell is one of them. Mr. Manning stated this bell did not have a value of \$3,000.00 that Mr. Ogden claimed, but it might have sentimental value to Mr. Ogden.

Nothing further to report

Officer: David Holguin

Date: 11/05/13

Time: 10:47

Narrative: Supplemental Report: David Holguin #30

On October 30, 2013 I, Inv. David Holguin, made contact with Heraclio Miranda Ramirez at his residence of [REDACTED] (Carlos Ogden's house).

I informed Mr. Ramirez that the bell was recovered and I was coming by so he could confirm it was the missing bell. I showed Mr. Ramirez the bell I retrieved from Mr. Lozano and he stated it was the indeed the bell. Mr. Ramirez also stated he had hand written a letter in Spanish the day the bell came up missing. Mr. Ramirez handed me the letter and informed Mr. Ramirez I would attach it to the report.

I informed Mr. Ramirez I was releasing the bell into his possession and he took the bell. Mr. Ramirez asked what the next step in the investigation was and I informed Mr. Ramirez it is still ongoing. Mr. Ramirez stated he understood.

Nothing further to report at this time. Case #201310075 will be submitted to the District Attorney's Office for review, due to Mr. Javier Lozano being a Municipal Judge of Columbus, NM.

## Luna County Sheriff's Department Offense/Incident Report

12/30/2013 9:45am

Page 1

Offense Number: 201212054

Report Date: 12/6/2012

Day of Week: Thursday

Jurisdiction: 1

District:

Reporting Area: L

Grid:

Location: Columbus Youth Center  
Columbus, NM 88029

Business Name:

Place Committed: Municipal Government Facility

Committed From:

Thru:

Status: Active

GPS North: 31.830049

GPS West: 107.639947

Officers							
Name	Badge	Agency	Assigned	Arrived	Cleared	Resp	Total
Ojeda, Jose	Luna 23	Luna County Sheriff's Depar	12/06/12 14:15	12/06/12 14:30	12/06/12 15:30	0.25	1.25

Offenses	
Description: Assault/Unknown-Gun	Status: Open

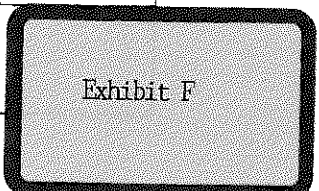
Reported By Information	
Reporter Name: Reyes, Rogelio	Race: White
Address: [REDACTED]	Sex: Male
Home Phone:	Ethnicity: Hispanic
Work Phone:	DOB: [REDACTED]
Employer:	Age: 61
Narrative:	

Victim Information	
Victim Name: Reyes, Rogelio	Race: White
Address: [REDACTED]	Sex: Male
Home Phone:	Ethnicity: Hispanic
Work Phone:	DOB: [REDACTED]
Employer:	Age: 61
Narrative:	

Witness Information	
Witness Name: Gutierrez, Efen	Race: Hispanic
Address: [REDACTED]	Sex: Male
Home Phone:	Ethnicity:
Work Phone:	DOB: [REDACTED]
Employer:	Age: 70
Narrative:	

Witness Name: Martinez, Consuelo Munoz	Race: White
Address: [REDACTED]	Sex: Female
Home Phone:	Ethnicity: Hispanic
Work Phone:	DOB: [REDACTED]
Employer:	Age: 65
Narrative:	

Suspect Information	
Suspect Name: Lozano, Javier	Race: Hispanic
Address: [REDACTED]	Sex: Male
Ethnicity: Hispanic	



**Luna County Sheriff's Department  
Offense/Incident Report**

12/30/2013 9:45am

Page 2

Offense Number: 201212054

Report Date: 12/6/2012

Day of Week: Thursday

Jurisdiction: 1

District:

Reporting Area: L

Grid:

Home Phone:	Cell Phone:	DOB:
Work Phone:		Age: 72
Employer: Village of Columbus		Ht & Wt: 6' 0" 185 lbs.
Drivers' License: NM	Soc. Sec. #:	Eyes: Brown
Hair:		Facial Hair:
Narrative:		

**Other Party Information**

Type: Mentioned in Report		
Otero, Guadalupe		
Address:		Race: Hispanic
Home Phone:	Cell Phone:	Sex: Female
Work Phone:		Ethnicity: Hispanic
Employer:		DOB:
Narrative:		Age: 61
Type: Mentioned in Report		
Rodriguez, Margarita O		
Address:		Race: White
Home Phone:	Cell Phone:	Sex: Female
Work Phone:		Ethnicity: Hispanic
Employer:		DOB:
Narrative:		Age: 60

**Case Narrative**

Officer: Jose Ojeda Date: 12/07/12 Time: 14:00

Narrative: On 12/06/12 at 1430 hours, Rogelio Reyes walked into the Sheriff's sub-station in Columbus NM. Rogelio stated that he got into an argument with the Columbus Municipal Judge Javier Lozano.

I asked Rogelio what had happened, Rogelio said that he was at the youth center getting his commodities along with many other people, when Javier Lozano came in and went into the center without waiting for his turn as everybody does. Rogelio also stated he felt intimidated with his words when he told him that however he wanted to do it and that he had a gun and he could go to his house and get it, so that they could get into a gun fight. Rogelio said that the problem started when the people get a number in order to get their commodities, something that he never does. He just comes and gets his commodities without getting a number or waiting in line.

He said that all the people get upset about that. Rogelio also said that when he went inside to get his commodities Javier Lozano exited the building and parked his truck in front of the center, he had seen that Javier had a gun on his waist and said that if he was afraid of him he could place a complaint with the police that he did not care about that. I asked Rogelio if he felt intimidated and Rogelio stated "YES". I then asked him if he wanted to press charges against Javier Lozano for assault, to which he stated "YES". I also asked Rogelio if there were any other witnesses who wanted to give a statement. Rogelio told me "YES" and mentioned two witnesses.

As I was talking with Rogelio a female called me, out I went outside and spoke with her. She identified herself as Consuelo Martinez. Consuelo told me she needed to make a complaint against Judge Javier Lozano. I told Consuelo that I was talking with Rogelio about that incident and that I would talk to her later. Consuelo told me that she will be at her house if I needed to talk

**Luna County Sheriff's Department**

**Offense/Incident Report**

12/30/2013 9:45am

Page 3

Offense Number: 201212054

Report Date: 12/6/2012

Day of Week: Thursday

Jurisdiction: 1

District:

Reporting Area: L

Grid:

to her. I told Consuelo that I would do that and she departed the area. At that time I contacted Chief Baeza and advised him of the incident. Chief Baeza advised me to get all the statements from the witnesses and do a report.

I then went to [REDACTED] and made contact with Efren Gutierrez and told him why was I there. I asked him if he wanted to make a statement. Efren agreed to make a voluntary statement. Efren stated that Javier did threaten Rogelio when Javier came into the center without his number or waiting in line. After that Rogelio said something to Judge Lozano, Javier got mad and threatened Rogelio by saying to go ahead and bring his gun to so they could have a shootout. Efren told me that Javier had his gun on his waist and that after they talked Javier went to his truck and left his gun in the truck. I asked Efren what kind of gun it was. Efren said that the gun was like a .45 model black in color. I showed Efren my gun as I carry a 1911 model he said "YES" just like yours. I asked Efren if he was willing to testify in court about the incident. Efren said that he would do that.

I then went to [REDACTED] and made contact with Guadalupe Otero director of the center. I asked her about the rules in order to get commodities from the center and if I could get a copy of the rules and requirements. She told me that the only requirements were registration, proof of income and proof of address, and water bill. Then they get a card, and with that they must get a number to get into the center at 1400 hours when the program starts. Then they must wait in line in front of the center and come in through the front door and exit with their food through the rear door. Guadalupe also stated that if a resident jumped up in front of everybody she tries to correct the problem to avoid conflict. I asked Guadalupe if she had seen or heard about the incident involving Rogelio and Javier Lozano. Guadalupe did tell me that she had heard about the incident. I asked Guadalupe what she had heard. Guadalupe said that Javier just came without waiting for his turn. I asked Guadalupe if she saw Javier with a weapon on his waist. Guadalupe stated "NO". I departed the area.

I then went to [REDACTED] and made contact with Margarita Rodriguez and told her why I was there and if she wanted to make a statement. Margarita agreed to make a voluntary statement. Margarita stated that she is in charge of giving the residents a number and line them up against the center in order to get inside. I asked Margarita if she had seen or heard about the incident between Rogelio and Javier Lozano. Margarita told me that the people were saying that Javier was an abusive person because he just walked inside the Center without a number or waiting in line like everybody else.

Margarita did tell me that Javier did have a number because she gave it to him earlier and when the people started to complain, she contacted Javier who was already inside the center and told him that the people wanted to talk to him about him jumping in front of everybody. Javier then walked outside and asked them what they wanted. At that time the people started to yell at him asking him why he was walking in without a number. Javier told them that he did not jump in front of anybody and he was just inside waiting for his turn. According to Margarita, Rogelio told Javier that he needed to wait outside like everybody else. At that time Javier told him not to yell at him and that if he yelled at him he can also be yelling at him back where ever. I asked Margarita if she had seen a gun on Javier's waist. Margarita stated "NO". I asked Margarita if she was willing to testify that in court, Margarita stated "YES" she would do that. I departed the area.

On 12/07/12 at 1130 hours I went to [REDACTED] and made contact with Consuelo Martinez I told Mrs. Martinez the reason I was there and I asked her if she could make a statement. Mrs. Martinez did agree to write a voluntary statement. Mrs. Martinez stated that at 1415 hours she was at the youth center in Columbus getting commodities as every Thursday of the week but today she witnessed something very unsuitable. She told me that she saw the Judge with a fire arm. I asked Mrs. Martinez who was the Judge she stated that the Judge was Javier Lozano. She also told me that around 1445 hours the Judge left the center but immediately came back without the gun and he joined the rest of them who were also getting

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commodities. At that time the Judge got close to them but did not wait long and instead made entry into the center without waiting in line like the rest of them. Mrs. Martinez said that she wanted to enter the center along with Judge Javier Lozano but Margarita did not allow her to do so.

Mrs. Martinez told me that she told Judge Lozano "you enter without a number and without paying the \$1.00 fee that they charge us". At that time Margarita called Judge Lozano and the Judge said I just entered. Rogelio Reyes told Judge Lozano she is right. But Judge Lozano told him that he was just sitting down do you believe me and Mr. Reyes told him if you say so. Mrs. Martinez stated that Judge Lozano told Mr. Reyes "don't talk to me as if you know me, we are not equal." According to Mrs. Martinez Judge Lozano told Mr. Reyes in a rude manner lets fight wherever he wanted to and how he wanted to, but with a "Fusca" (meaning that with a gun). According to Mrs. Martinez Judge Lozano was hitting himself in his right thigh but at that time the Judge did not have the gun on his person. According to Mrs. Martinez Judge Lozano threatened Mr. Reyes daring him to a gun fight. Mrs. Martinez said Judge Lozano was not being considerate of the people around him which are mostly handicapped and elderly people. Mrs. Martinez also said that Judge Lozano parked in the handicapped marked parking spot. I told Mrs. Martinez that I would do a report of this incident and would talk to the ADA for advice in this matter. No further information at this time.

Action Taken: Report made on this incident. A copy of the report will be forwarded to the DA's Office for advice on this matter.

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Grid:

Officer: David Holguin

Date:

Time:

Narrative: Supplemental Report:

On 12/18/2012 at approximately 1022 hours I, Detective David Holguin, spoke with Consuelo Munoz Martinez out at the Sheriff's Office in reference to an incident that occurred in Columbus NM. I informed Mrs. Martinez I was investigating an altercation that happened between Rogelio Reyes and Javier Lozano.

Mrs. Martinez was asked a series of questions on how an individual qualifies for food assistance. She stated it is based off your income and proof of address. Mrs. Martinez advised Guadalupe Otero was in charge of the food program and she would have more information on how it works. Mrs. Martinez stated that food assistance is given every Thursday of every week. She said on the day you receive your assistance you arrive early and take a number. She stated that around 2:00 pm the program allows individuals into the building to receive their food.

Mrs. Martinez advised the program works with the disabled and handicap first and then start with the numbers. Mrs. Martinez stated prior to 2:00 pm individuals start to line up outside and wait for their number to be called out. Mrs. Martinez stated that on 12/06/2012 at approximately 1:45 pm she witnessed Javier Lozano, the Village of Columbus Judge, arrive in his gray in color truck. Mrs. Martinez stated she noticed Mr. Lozano was near his vehicle when she saw a black in color gun on his waistband, in a black in color holster.

Mrs. Martinez stated she along with Rogelio Reyes and many others, were waiting to receive their food assistance. Mrs. Martinez stated they (Program) started to call out numbers when she noticed Mr. Lozano get out of his vehicle and cut through the line and walk inside the building. Mrs. Martinez stated she and others were very upset that Mr. Lozano walked passed them and got inside.

Mrs. Martinez stated she tried to walk in the door like Mr. Lozano did but Margarita Rodriguez did not allow her to. Mrs. Martinez asked Mrs. Rodriguez why was Mr. Lozano allowed and she was not. Mrs. Martinez stated this was when everyone outside started to complain. Mrs. Martinez said that Mrs. Rodriguez called Mr. Lozano to the door and informed him that everyone was upset. Mrs. Martinez stated Mr. Lozano came to the door-way and asked who is upset. Mrs. Martinez stated everyone started to ask him why he was allowed to walk right in and not wait outside like everyone else.

Mrs. Martinez stated Mr. Reyes also asked Mr. Lozano why was he allowed in and they were not. Mrs. Martinez stated she was approximately 4 feet away from Mr. Lozano and Mr. Reyes when they started to argue. Mrs. Martinez said Mr. Lozano told Mr. Reyes not to be talking to him in that manner because they could settle this like men anytime and anywhere. Mrs. Martinez stated Mr. Reyes responded by saying lets go then in joking manner. Mrs. Martinez stated Mr. Lozano responded by saying lets go anywhere, anytime but with guns and he kept slapping his right side of his waistband to jester with a gun.

I asked Mrs. Martinez if she saw the firearm at that point and she stated no but she was scared. Mrs. Martinez stated Mr. Reyes must have been shocked because he did not say much after that. Mrs. Martinez said Mrs. Rodriguez was present when all this took place. Mrs. Martinez stated she did not know if she wanted to leave or wait for her food assistance.

Mrs. Martinez stated the following week she was still scared of what happened the previous week so she did not receive her food assistance for that week. Mrs. Martinez stated Mr. Lozano has always cut through the line and everyone is always upset about that but she could not believe Mr. Lozano would get so angry that he would threaten someone.

Investigators informed Mrs. Martinez that this incident is an ongoing investigation and we need to gather statements from all the individuals involved in the incident.

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Grid:

Nothing further to report at this time

Officer: David Holguin

Date:

Time:

Narrative: Supplemental Report:

On December 20, 2012 I, Detective David Holguin, made contact with Efren Gutierrez who agreed to speak with me about the incident that took place in Columbus between Rogelio Reyes and Javier Lorenzo. I informed Mr. Gutierrez I was investigating the incident and I needed to get his statement.

Mr. Gutierrez stated he already wrote out a statement for Cpl. Ojeda and he would try to answer my questions. I asked Mr. Gutierrez if he could recall what he heard and saw on 12/06/2012. Mr. Gutierrez stated he was waiting in line like everyone else out at the Youth Center waiting to receive his food assistance. Mr. Gutierrez stated every week on Thursdays they receive food assistance.

Mr. Gutierrez said on 12/06/2012 at around 1400 hours he saw Javier Lozano cut through the line and make his way inside the Youth Center to wait for his food assistance. Mr. Gutierrez stated Javier always cuts through and goes inside and it does not sit well with the others who have to wait outside. Mr. Gutierrez stated that day everyone was upset and started to complain to Margarita Rodriguez who was at the door that day.

Mr. Gutierrez stated Mrs. Rodriguez called Javier to the door and advised him everyone was complaining about him being inside. Mr. Gutierrez said Javier came to the door in an angry manner and asked who was complaining. Mr. Gutierrez said Mr. Reyes asked Javier why are you allowed to be inside and everyone else waits outside. Mr. Gutierrez said Javier told Mr. Reyes not to talk to him like that and they could settle this like men anytime, anywhere and to get his gun because he has his.

Mr. Gutierrez stated that earlier that day Javier did have his gun on his waistband but was not sure if Javier had it with him when this incident took place. Mr. Gutierrez stated Mr. Reyes did not say much after the incident and it seemed like everyone was in shock about what just happened. Mr. Gutierrez stated he was in shock as well and could not believe what he witnessed.

Mr. Gutierrez stated there were a lot of people in line that day that saw and heard the whole altercation. Mr. Gutierrez was not sure if anything would happen but he knew Javier did have his gun with him, either on his waistband or in his truck. Mr. Gutierrez advised since this incident took place Javier has been waiting in line to gather his food assistance.

I informed Mr. Gutierrez on how the process is handled in our investigation and this was an ongoing investigation. Mr. Gutierrez advised he would like for something to happen because the community of Columbus does not need to be treated like this.

Nothing further to report at this time

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District:

Reporting Area: L

Grid:

Officer: David Holguin

Date:

Time: 15:10

Narrative:

On December 20, 2012 I, Detective David Holguin, made contact with Rogelio Reyes out at the Sheriff's Office in reference to the altercation that happened between him and Javier Lozano out at the Youth Center in Columbus. I informed Mr. Reyes I was investigating this incident and it was an ongoing investigation.

I asked Mr. Reyes how someone qualifies for food assistance. He stated it goes off your income and they have to verify their address with some type of bill. I asked Mr. Reyes when is the food assistance given out and he stated every week on Thursday around 2:00 pm. Mr. Reyes stated on that day individuals arrive in the morning around 6:30 am to receive a number and around 2:00 pm they line up outside to receive their assistance.

Mr. Reyes informed me that the program starts letting the handicap and disabled go first and they can wait inside the building. Reyes stated he is disabled but he waited outside like everyone else. Mr. Reyes stated on that day (12/06/2012) Mr. Lozano walked through the line like he always does and walked inside the building.

Mr. Reyes stated Mrs. Martinez asked Margarita Rodriguez (the person at the door) why is he allowed to go inside and everyone else waits outside. Mr. Reyes stated at this moment he also started to complain and asking why is he allowed and everyone else has to wait outside. Mr. Reyes stated Mrs. Rodriguez called Mr. Lozano to the door and informed him everyone outside is complaining about him being inside.

Mr. Reyes stated Mr. Lozano came to the door and asked who is complaining. Mr. Reyes said he told Mr. Lozano that it was him and that they do not like the way he acts. Mr. Reyes told Mr. Lozano to get a number and wait outside like everyone else. Mr. Reyes stated Mr. Lozano responded in an angry tone by saying "and" "what are you trying to do".

Mr. Reyes said Mr. Lozano told him that "he does not settle these problems like a young kid, he settles things like a man and if you don't have a gun go get them because I have mine". I asked Mr. Reyes how far away was Mr. Lozano from him and he stated he had two individuals in front of him. I asked Mr. Reyes if he saw Mr. Lozano with a gun and he said he was not sure. Mr. Reyes stated he was shocked and did not pay attention if Mr. Lozano had a gun or not.

Mr. Reyes stated Mr. Lozano also told him "or what you going to tell someone and what are you going to tell them and like I told you if you don't have your gun go get them because I have mine". Mr. Reyes said he told Mr. Lozano it is none of your business what I tell anyone. Mr. Reyes stated he has a family and he does not want any problems with anyone who settles things with a gun.

Mr. Reyes stated he thinks Mr. Lozano is a dangerous guy because he has links to Mexico and he was told by others that he is dangerous. Mr. Reyes stated he did report this incident with Cpl. Ojeda about what took place with him and Mr. Lozano. I informed Mr. Reyes this incident is an ongoing investigation and we need to gather more information on this matter.

Nothing further to report at this time



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Reporting Area: L

Grid:

Officer: David Holguin

Date:

Time: 12:13

Narrative: Supplemental Report:

On December 26, 2012 I, Detective David Holguin, made contact with Margarita Rodriguez out at the Sheriff's Office in reference to the altercation that happened between Rogelio Reyes and Javier Lozano. I informed Mrs. Rodriguez this was an ongoing investigation that I was investigating.

I asked Mrs. Rodriguez what is her role in working for the food assistance program. Mrs. Rodriguez informed me she was a volunteer and her work duties included handing out numbers in the morning, helping set up the food and for the past two months helping watch the door.

I asked Mrs. Rodriguez to explain to me what she saw and heard on 12/06/2012. Mrs. Rodriguez stated around 6:30 am she arrived at the Youth Center to hand out numbers for the food program. Mrs. Rodriguez advised that she had one older male individual give her a hard time in the morning and mistreated her.

Mrs. Rodriguez stated she arrived at the Youth Center around noon to help place the food on the tables and she was still upset about how what happened this morning. She said another individual noticed she was upset and asked her what was wrong. Mrs. Rodriguez told that individual that in the morning she was mistreated and she was upset. Mrs. Rodriguez said Javier Lozano who was already there must have overheard her conversation.

Mrs. Rodriguez stated he walked over and asked her what's wrong and she told him she was mistreated this morning by an older man. She said Mr. Lozano told her that if that individual comes by to let him know and she told him ok. Mrs. Rodriguez stated that Mr. Lozano at that point had his gun with him on his waistband. I asked her on what side and she said she was not sure if he had one or both guns.

I asked Mrs. Rodriguez if she was able to look at the guns and she stated that the one she saw was chrome in color with brown grips in a black in color holster on his right side. Mrs. Rodriguez informed that Mr. Lozano always carry's his guns with him. I asked her what time was it when she saw the gun or guns and she stated around 12:30 pm but she was not sure if it was both guns.

Mrs. Rodriguez said she thought nothing about the guns because she needed to get ready. Mrs. Rodriguez advised people were already lining up outside and she needed to take care of the door. Mrs. Rodriguez stated they started to let people in around 1:15 pm and she only lets five people at a time. Mrs. Rodriguez said she lets the handicap and disabled go first and then she starts with the numbers.

I asked Mrs. Rodriguez if Mr. Lozano was already in the building and she stated yes. I asked her if he had a number and she stated yes. Mrs. Rodriguez advised she gave him one in the morning and she thought it was number 30 or 36. Mrs. Rodriguez stated when she started to let the handicap in that the people waiting outside in line started to complain.

She advised that people know already that the handicap and disable always go first but they still like to complain. Mrs. Rodriguez said someone must have seen Mr. Lozano inside because they started to complain about him. Some were saying that he has no shame because he is inside and he is not handicap nor disabled. Mrs. Rodriguez stated she was still upset over getting mistreated this morning that she called Mr. Lozano over and told him that people are complaining about him.

Mrs. Rodriguez stated she opened the door and Mr. Lozano stood at the door and asked who was complaining. Mrs. Rodriguez said everyone started to tell Mr. Lozano why he was allowed to be inside without a number and not wait outside like everyone else. Mrs. Rodriguez stated this

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was the time that Mr. Reyes told Mr. Lozano that he was the one who was complaining about him and that he did not like him or his ways.

Mrs. Rodriguez said Mr. Lozano told Mr. Reyes "what do you have with me and not to talk to me in that manner because I'm a man and I handle things like a man". Mrs. Rodriguez stated that Mr. Lozano also said to Mr. Reyes that they could handle this any time, any place. I asked Mrs. Rodriguez at this point did she see Mr. Lozano pull his gun out or state to Mr. Reyes in Spanish "fusca" meaning with a gun and she said no.

I asked Mrs. Rodriguez if Mr. Lozano had his gun and she stated yes on his waistband. Mrs. Rodriguez said she never saw him pull the gun out or make a gesture to Mr. Reyes with the gun. I asked Mrs. Rodriguez how far apart was she from Mr. Lozano and Mr. Reyes when this took place and she stated about couple of feet from Mr. Lozano and about 3 to 4 feet away from Mr. Reyes. Mrs. Rodriguez stated she did not remember anything more or think about what happened because she started to let more people inside.

I informed Mrs. Rodriguez this incident is an ongoing investigation and I may need to speak with her on a later date. She said ok and she understood.

Nothing further to report at this time

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Grid:

Officer: David Holguin

Date: 01/18/13

Time: 9:50

Narrative: On January 17, 2013 I, Detective David Holguin, made contact with Guadalupe Otero via phone call in reference to case #201212054 the altercation between Javier Lozano and Rogelio Reyes.

I informed Mrs. Otero who I was and advised her I was investigating this case. I asked Mrs. Otero if she could meet me out at the Sheriff's Office for an interview. Mrs. Otero stated she was living in Van Horn, Texas and she would not be able to meet with me.

I asked Mrs. Otero if I could ask her some questions over the phone on the incident that took place at the Youth Center. Mrs. Otero said yes. I asked Mrs. Otero if she was in charge of the food assistance program in Columbus, NM. She stated yes but that her mother and sister were helping run the program at this time because she is out of town. I asked Mrs. Otero if she could explain how the program operates and who qualifies for it. Mrs. Otero stated an individual applies by submitting an application with their income and proof of address.

Mrs. Otero advised once the individual is approved they receive a card. Mrs. Otero said that every week on Thursdays they give out the food assistance at around 2:00pm. She stated the day of the food assistance they give out numbers out around 6:30 am and individuals line up outside the Youth Center around noon. I asked Mrs. Otero if the program is a federal or state program and she said she was not sure. Mrs. Otero stated the program is run by the Roadrunner Food Bank out of Las Cruces. Mrs. Otero said she would give me their number and they would know more about the program.

I asked Mrs. Otero if she was working on 12/6/2012 when this altercation took place between Mr. Lozano and Mr. Reyes. She stated yes but she did not see or hear the argument. I asked Mrs. Otero if Mr. Lozano had a number and she stated yes. Mrs. Otero stated the people of the community always complain about Mr. Lozano about him just walking in and gets his food and not waiting outside like everyone else. Mrs. Otero said she tries to avoid conflict between Mr. Lozano and the public so she allows him to come in and get his food.

I asked Mrs. Otero if this was fair to the public and she said no but she does not want any problems in the Youth Center. I asked Mrs. Otero if on 12/06/2012 she noticed Mr. Lozano already in the building before they gave out the food assistance and she stated yes. I asked Mrs. Otero if she saw Mr. Lozano with any firearms that day and she stated no. Mrs. Otero said she did not pay too much attention to him because she was busy.

I asked Mrs. Otero that in the past has she ever seen Mr. Lozano come in with any firearms. Mrs. Otero said no she has never seen him with one. Mrs. Otero informed me she did not want any bad to come out of this incident due to the program being good for the community of Columbus.

I informed Mrs. Otero it is a good thing she is doing for the community of Columbus and explained to her how the process works. Mrs. Otero stated she understood.

Nothing further to report at this time

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District:

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Grid:

Officer: David Holguin

Date: 01/23/13

Time: 11:48

Narrative:

On January 22, 2013 I, David Holguin, made contact with Javier Lozano (Columbus Municipal Judge) in reference to an incident that happened between Rogelio Reyes and himself at the Youth Center in Columbus, New Mexico on or about 12/06/2012.

I informed Mr. Lozano I was investigating this incident and I needed to get his side of the story. Mr. Lozano stated he understood. I read Mr. Lozano his Miranda Warning Rights in which he understood then, waived his right to seek any legal counsel and wished to give his statement.

I asked Mr. Lozano to explain to me how the food assistance program works and how someone qualifies. Mr. Lozano said the food program is given every Thursday of every week and it starts at around 8:30am by receiving a number. Mr. Lozano said from 12:30 pm to around 2:00 pm the program gives the food assistance out.

Mr. Lozano stated the program is run by Lupe Otero who also helps the senior citizens by providing low cost food meals. Mr. Lozano said someone qualifies by applying, are low income and proof of address. Mr. Lozano stated he qualifies because he only makes \$600.00 a month and he's been a resident of Columbus for years.

I asked Mr. Lozano to tell me what happened on 12/06/2012 and he stated he arrived at the Youth Center around 1:00 pm to speak with Mrs. Lupe Otero about a traffic citation. Mr. Lozano stated he was not there to receive his food assistance so he just walked in. Mr. Lozano said he did not get a number that day because he was only there to speak with Mrs. Otero.

Mr. Lozano said there were a lot of people outside waiting in line and the public outside started to complain about him walking in. Mr. Lozano said he went in and came back outside when he noticed a male individual who he did not know by name start cursing at him. Mr. Lozano stated the individual seemed very angry and he started to complain about him going inside.

Mr. Lozano stated he told the individual "do you see me carrying any bags I'm not here for food I came here to speak with Mrs. Otero". Mr. Lozano stated the male individual told him in an angry tone that he was an abusive "son of a bitch" and cursed him out. Mr. Lozano told him hey, hey why are you speaking to me in that manner and who are you going to tell. Mr. Lozano said the man responded by saying in Spanish "que chingados te importa" meaning "none of your fucking business".

Mr. Lozano said he told him in Spanish "yo no tengo mis manos amarodos a tras, tu quieres quando quieres" meaning "I don't have my hands tied up, when you want, whenever you want" "yo no te tengo miedo" "I'm not afraid of you".

Mr. Lozano stated the individual said he was going to call and complain. I asked Mr. Lozano if there were a lot of people around when this took place and he said around 20 to 30 individuals. Mr. Lozano said after the incident he walked back inside and waited for his food.

I asked Mr. Lozano that when this incident took place did he have any firearms on his person or in his vehicle. Mr. Lozano stated no. Mr. Lozano stated he seldom carries firearms on him. I asked Mr. Lozano if he owns any firearms and he stated he does. Mr. Lozano said he owns a .22 cal rifle and a semi-38 super auto Colt pistol that resembles a 1911 pistol. Mr. Lozano stated he would not for any reason carry any firearms on his person or in his vehicle.

I informed Mr. Lozano that Mr. Reyes was the individual who made the complaint. I asked Mr. Lozano if he knows Mr. Reyes and he stated no, just by face not name. Mr. Lozano stated he met Mr. Reyes one time in town and that's the only contact he's had with Mr. Reyes. I informed Mr. Lozano that I received statements from other individuals who witnessed the incident on 12/06/2012. Mr. Lozano stated he did not say one harsh word towards Mr. Reyes or anyone else.

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Mr. Lozano informed that Mrs. Otero has in the past let him in the back door to receive his food because she wanted to avoid any conflict with him and the public. Mr. Lozano asked how the incident was going to be handled. I informed Mr. Lozano I would make my report on the incident and forward all my findings to the District Attorney's Office for their review. Mr. Lozano stated he understood.

Nothing further to report at this time

Officer: Jose Ojeda

Date: 03/05/13

Time: 11:18

Narrative:

On 03/05/13 at 1118 hours, I received a letter from ADA Janice Schryer in reference to case number 201212054 advising me that after she reviewed the matter the District Attorney's Office will not enter an appearance in the case, due to insufficient evidence.

No further information on this matter.

FILED

JAN - 9 2014

BEFORE THE JUDICIAL STANDARDS COMMISSION  
FOR THE STATE OF NEW MEXICO

NM JUDICIAL  
STANDARDS COMMISSION



IN THE MATTER OF HON. JAVIER LOZANO  
Municipal Court Judge, Columbus, New Mexico

Inq No. 2014-001

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) NMRA 2010 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. Javier Lozano, Municipal Court Judge, Columbus, New Mexico ("Respondent") is necessary pending resolution of criminal investigations and the Judicial Standards Commission's investigation against Respondent for alleged violations of the Code of Judicial Conduct as set forth in the *Notice of Preliminary Investigation*, Inquiry No. 2014-001.

The Commission notes that it is investigating allegations that Respondent has committed acts that may constitute criminal conduct and willful misconduct in office. The acts alleged are set forth in the Commission's *Notice of Preliminary Investigation* (attached as Exhibit A to the *Verified Petition for Immediate Temporary Suspension Without Pay*).

IN CONSIDERATION OF THE FOREGOING and upon a majority vote, the Commission has determined that continued judicial service by the Respondent is

Exhibit G

causing immediate and substantial public harm, the appearance of impropriety, and the 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".

---

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