

IN THE SUPREME COURT
OF THE STATE OF NEW MEXICO

FAX FILED	
Date	6/10/13
Time	11:22
By	SM

No.

IN THE MATTER OF HON. ROLAND MADRID
Municipal Judge, Village of Santa Clara, New Mexico

INQUIRY CONCERNING HON. ROLAND MADRID
Inquiry No. 2013-063

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

VERIFIED PETITION FOR IMMEDIATE TEMPORARY SUSPENSION

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

HON. ROLAND MADRID
Santa Clara Municipal Court
P. O. Box 316
Santa Clara, New Mexico 88026
(575) 537-6417

RANDALL D. ROYBAL
Executive Director & General Counsel

Respondent

PHYLLIS A. DOMINGUEZ
Investigative Trial Counsel

Counsel for Petitioner

IN THE SUPREME COURT
OF THE STATE OF NEW MEXICO

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Municipal Court, Village of Santa Clara, New Mexico

INQUIRY CONCERNING HON. ROLAND MADRID
Inquiry No. 2013-063

VERIFIED PETITION FOR IMMEDIATE TEMPORARY SUSPENSION

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

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

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

2. The Respondent, Hon. Roland Madrid, is a municipal judge for the Village of Santa Clara, New Mexico.

3. Respondent is alleged to have committed an act that may constitute willful misconduct in office. The alleged act is fully set forth in the Commission's *Notice of Preliminary Investigation*. (See attached Exhibit A, *Notice of Preliminary Investigation* in Inquiry No. 2013-063.) The allegation is

summarized as follows:

A. On June 2, 2013, Respondent was arrested for committing Battery against a Household Member. Officers were dispatched to 404 N. Hutchinson in Santa Clara in reference to a domestic dispute involving the municipal judge. Due to the conflict with the Santa Clara Police Department, Patrolman Jimmy Torres with the New Mexico State Police conducted the investigation. Respondent and his wife were involved in a series of verbal and physical altercations on or about June 2, 2013. Respondent was booked into the Grant County Detention Center on the above listed charge. See Exhibit B, *Criminal Complaint and Statement of Probable Cause in State v. Roland Madrid, M-20-VM-201300015* for a detailed statement of the events.

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

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

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

7. Petitioner certifies that Respondent's immediate temporary suspension from judicial office is necessary pending termination of the State's criminal prosecution and the Petitioner Judicial Standards Commission's proceedings. Petitioner's Certificate to this Supreme Court is attached hereto as Exhibit C. Petitioner defers to this Supreme Court as to whether Respondent's temporary suspension shall be with or without pay.

WHEREFORE, Petitioner prays for an Order from the Court that immediately and temporarily suspends Respondent Hon. Roland Madrid from judicial office pending completion of the State's prosecution of the

pending criminal complaint and Petitioner's disciplinary proceedings.

Respectfully Submitted,

JUDICIAL STANDARDS COMMISSION


RANDALL D. ROYBAL
Executive Director & General Counsel

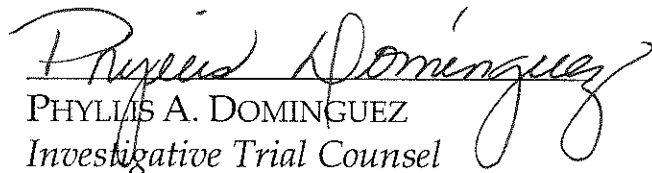
PHYLLIS A. DOMINGUEZ
Investigative Trial Counsel

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

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
Judicial Standards Commission

SUBSCRIBED AND SWORN TO before me by Phyllis A. Dominguez,
this 10th day of June, 2013.



Notary Public

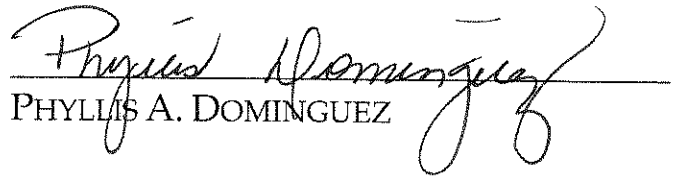
My Commission expires: 1/8/15



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 10th day of June 2013, to the Respondent as follows:

Hon. Roland Madrid
Santa Clara Municipal Court
P.O. Box 316
Village of Santa Clara, New Mexico 88026


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

June 10, 2013

CONFIDENTIAL
CERTIFIED MAIL – RETURN RECEIPT REQUESTED

FILED
JUN 10 2013
NM JUDICIAL
STANDARDS COMMISSION

Hon. Roland Madrid
Village of Santa Clara Municipal Court
P.O. Box 316
Santa Clara, New Mexico 88026

Re: *Inquiry No. 2013-063*

Dear Judge Madrid:

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

It has been alleged that on or about June 2, 2013, you were arrested and charged with Battery on a Household Member. The criminal matter is styled, *State of New Mexico vs. Roland Madrid*, No. M-20-VM-2013-00015, and is ongoing before the Grant County Magistrate Court, Silver City, New Mexico.

Please provide the Commission with an explanation of this incident and the factual and legal bases for your conduct. Your response to this letter must be submitted in writing and must include an explanation and disclosure of all pertinent facts, including any relevant documents regarding the matters outlined herein. The Commission must receive your response within twenty-one (21) days of your receipt of this letter.

Sincerely yours,

A handwritten signature in cursive script that reads "Joyce Bustos".

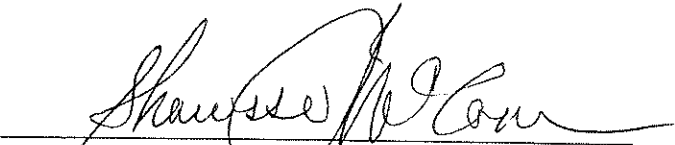
JOYCE BUSTOS,
Chair

Exhibit A

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing was mailed on the 10th day of June 2013, by certified mail, return receipt requested to:

Hon. Roland Madrid
Village of Santa Clara Municipal Court
P.O. Box 316
Santa Clara, NM 88026
(575) 537-6417



SHARIESSE T. MCCANNON
Clerk of the Commission

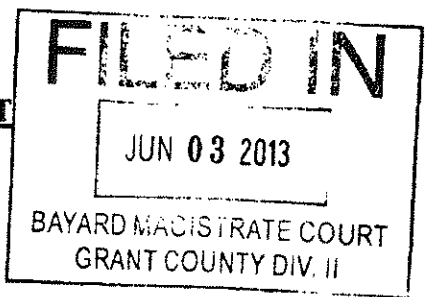
9-201

[5-201 NMRA, 6-201 NMRA, 7-201 NMRA, 8-202 NMRA]

STATE OF NEW MEXICO

COUNTY OF GRANT

IN THE MAGISTRATE COURT
DIVISION II



STATE OF NEW MEXICO
vs.

No. 1720 NM 2013 00015

Date Filed. 6-3-13

Roland Madrid, Defendant(s)
Address: 404 N. Hutchinson, Santa Clara, NM 88026
DOB: 05/11/1973 SSN: 585-15-1046
HGT: 507 WGT: 180 EYES: BRO
STN: SP1600 13 6048

CRIMINAL COMPLAINT
Page 1 OF 1

CRIME: Battery against a household member.
(Common name of offense or offenses)

The undersigned, under penalty of perjury, complains and says that on or about the 2nd day of June, 2013, in the County of GRANT, State of New Mexico, the above-named defendant(s) did (*here state the essential facts*):

Roland Madrid did unlawfully and intentionally touch or apply force to Myranne Madrid a household member of the defendant, in a rude, insolent, or angry manner.

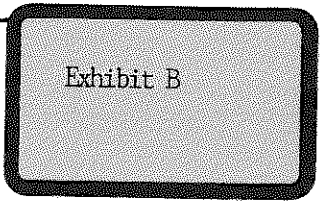
Contrary to Section(s) 30-03-15 NMSA 1978.
I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF. I UNDERSTAND THAT IT IS A CRIMINAL OFFENSE SUBJECT TO THE PENALTY OF IMPRISONMENT TO MAKE A FALSE STATEMENT IN A CRIMINAL COMPLAINT.

Approved for P.C.

[Signature]

Date: 6/5/13

Jimmy Torres *[Signature]*
Complainant
NMSP Ptlm. # 331407
Title (if any)
Approved:
Title



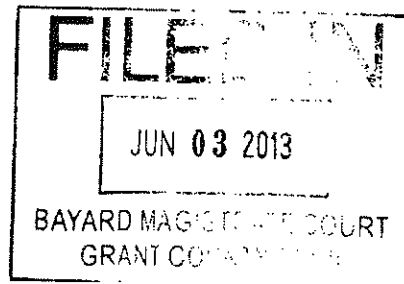
THIS COMPLAINT MAY NOT BE FILED WITHOUT THE PRIOR PAYMENT OF A FILING FEE, UNLESS APPROVED BY THE DISTRICT ATTORNEY OR A LAW ENFORCEMENT OFFICER AUTHORIZED TO SERVE AN ARREST OR SEARCH WARRANT. APPROVAL OF THE DISTRICT ATTORNEY OR A LAW ENFORCEMENT OFFICER IN NOT OTHERWISE REQUIRED.

[As amended, effective September 1, 1990; April 1, 1991; November 1, 1991.]

STATE OF NEW MEXICO
COUNTY OF GRANT
MAGISTRATE COURT DIVISION II

M20VM201300015

STATE OF NEW MEXICO
Vs.



NAME: Madrid, Roland
DOB: 05/11/1973
HGT: 5' 07"
WGT: 180 LBS
EYE: Bro
HAIR: Blk
SSN: 585-15-1046
OLN: 57230487 NM
ADD: 404 N. Hutchinson
Santa Clara, NM 88026

STATEMENT OF PROBABLE CAUSE

On June 2, 2013 at approximately 2152 hours I was dispatched to 404 N. Hutchinson in Santa Clara in reference to a Domestic Disturbance. Dispatch informed me that the subject involved was the Municipal Judge for the Village of Santa Clara. Dispatch also said that Santa Clara Police were on scene and they requested State Police handle it due to it being a conflict of interest. I arrived on scene at approximately 2201 hours. I made contact with Mr. Roland Madrid. Mr. Madrid said that he and his wife Mrs. Myraanne Madrid had an argument earlier in the evening on June 2, 2013. Mr. Madrid said that he was at a friend's house in Santa Clara when he received a phone call from his daughter Sherri Madrid who was crying and worried about her mom. Mr. Madrid said he was told by his daughter that Mrs. Madrid was giving a ride to her brother Joseph Sifuentes and she was worried because she was calling her and Mrs. Madrid would not answer. Mr. Madrid then drove to Arenas Valley in an attempt to locate Mrs. Madrid because that's where Joseph resides and did not locate her. Mr. Madrid then called Mrs. Madrid's mother to see if she knew the whereabouts of Mrs. Madrid. Mrs. Madrid's mother told Mr. Madrid that she was there at her house in Mimbres and had given a Joseph a ride. Mr. Madrid then drove to Mimbres to find Mrs. Madrid. Mr. Madrid located Mrs. Madrid on State Road 152 near the 6 mile post. Mr. Madrid then followed her and drove in front of her and got her to pull over. Mr. Madrid said he got off his vehicle and so did she and met up in between the vehicles. Mr. Madrid went to turn her vehicle off and Mrs. Madrid followed her. Mr. Madrid said that at this time they were arguing verbally. Mr. Madrid said that as he was trying to shut off her vehicle Mrs. Madrid bit Mr. Madrid behind the right bicep. When she bit him Mr. Madrid reacted and jerked his arm away. Mrs. Madrid had a laceration on her right ear. Mr. Madrid said he doesn't remember if she received the laceration from their argument on the side of the road or when they continued at their

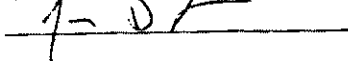
home. Mr. Madrid said they both got in there vehicles and drove to their home in Santa Clara. Mr. Madrid said when they got home the argument continued. Mr. Madrid said while at the house he took the keys away from her was going to leave in the vehicle that she was driving. Mr. Madrid said that he was already leaving in the vehicle when she opened the door and tried to stop him from leaving. Mr. Madrid said when she opened the door he tried to shove her away so he could continue to leave but she kept reaching in the vehicle to try and shut it off. Mr. Madrid said during this struggle he shut the vehicle off and put the vehicle in park. Mr. Madrid said his wife then took the keys away from and ran inside and locked the door on him. Mr. Madrid said he opened the door with a key that he had. Mr. Madrid said when he was trying to open the door his wife was blocking it from the inside. Mr. Madrid said he forced the door open causing her to fall on the floor. Mr. Madrid said he then took the keys away from her again and tried leaving again. As Mr. Madrid tried leaving his daughter jumped on his back trying to get the keys from him. Mr. Madrid said his daughter then went inside and called the police.

Mrs. Madrid said when her and Mr. Madrid first had contact he was driving in a careless manner and trying to run her off the road with his vehicle. Mrs. Madrid said while they were arguing Mr. Madrid tried to take the keys to her vehicle away. Mrs. Madrid said while they were arguing on the side of the road and Mr. Madrid shoved her. After the argument on State Road 152 they both went home and continued arguing. Mrs. Madrid said when they got home Mr. Madrid again tried to take the keys away and pushed her to the floor. Mrs. Madrid said her daughter then jumped in between them and tried to pull them apart. After this altercation the daughter then went inside to call the police. Mrs. Madrid said Mr. Madrid once again got the keys away from her and attempted to leave. Mrs. Madrid said she followed him to the vehicle and yelled at him that he couldn't leave her without a vehicle. Mrs. Madrid said that she got in between him and the car door and Mr. Madrid slammed her head on the door. Mrs. Madrid said when he did that she then hit him back and the police were already on their way.

After my interviews with both parties involved I made the decision to place Mr. Madrid under arrest. Mr. Madrid was booked into the Grant County Detention Center.

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

PATROLMAN JIMMY TORRES
NEW MEXICO STATE POLICE



FILED

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

JUN 10 2013

**NM JUDICIAL
STANDARDS COMMISSION**

IN THE MATTER OF HON. ROLAND MADRID
Municipal Court, Village of Santa Clara, New Mexico

Inquiry No. 2013-063

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) and (b) NMRA 2010 of the Judicial Standards Commission's Rules and Rule 27-201(A)(4)(a) and (b) NMRA 1996 of the Rules Governing Review of the Judicial Standards Commission Proceedings, that immediate temporary suspension of Hon. Roland Madrid, Village of Santa Clara Municipal Judge ("Respondent") is necessary pending disposition of the pending criminal complaint and the Commission's proceedings against him for alleged violations of the Code of Judicial Conduct as set forth in the Commission's *Notice of Preliminary Investigation*.

The Commission notes that it is investigating an allegation that Respondent has committed an act that may constitute willful misconduct in office by having been arrested on the charge of Battery against a Household Member. The act alleged is set forth fully in the Commission's *Notice of Preliminary Investigation* (attached as Exhibit A to the *Verified Petition for Immediate Temporary Suspension*), in the criminal complaint and statement of probable cause (attached to the *Verified Petition for Immediate Temporary Suspension* as Exhibit B).

Exhibit C

Respondent's continued service in a judicial capacity while he is being criminally prosecuted by the State of New Mexico and investigated by the Commission on the stated allegation would create an apparent conflict of interest and place the public, law enforcement officers, and others with whom the judge interacts in an official capacity at risk. Deference to Respondent's rulings, especially in criminal cases, would be undermined. Moreover, Respondent's continued judicial service would create a significant appearance of impropriety and erosion of public confidence in the integrity and impartiality of the judiciary and in the orderly administration of justice.

Based on the foregoing, the Commission has determined that continued judicial service by the Respondent is causing immediate and substantial public harm, an appearance of impropriety, erosion of public confidence in the integrity, independence and impartiality of the judiciary, and in the orderly administration of justice.

JUDICIAL STANDARDS COMMISSION

By _____

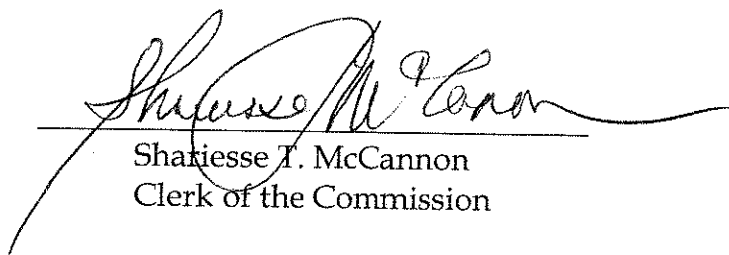


JOYCE BUSTOS, Chair
Post Office Box 27248
Albuquerque, NM 87125-7248
(505) 222-9353

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was sent by first class mail on this 12 day of June 2013, to Respondent:

*Hon. Roland Madrid
Municipal Court
P.O. Box 316
Village of Santa Clara, New Mexico 88026*


Shariesse T. McCannon
Clerk of the Commission