

**FAXED
ORIGINAL**

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

No.

IN THE MATTER OF HON. DAVID RAMOS, SR.
Hurley Municipal Court

INQUIRY CONCERNING HON. DAVID RAMOS, SR.
Inquiry No. 2014-094

SUPREME COURT OF NEW MEXICO
FILED

SEP - 8 2014

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



**PETITION TO ACCEPT STIPULATION AGREEMENT
AND CONSENT TO DISCIPLINE**

JUDICIAL STANDARDS COMMISSION
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Respondent

Counsel for Petitioner

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OF THE STATE OF NEW MEXICO

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PETITION TO ACCEPT STIPULATION AGREEMENT
AND CONSENT TO DISCIPLINE

The Judicial Standards Commission of the State of New Mexico (“Petitioner” or “Commission”), through the undersigned counsel, hereby petitions the Supreme Court for an order approving the attached *Stipulation Agreement and Consent to Discipline (“Stipulation”)* in which Respondent, Hon. David Ramos, Sr., consents to discipline from the Supreme Court. The Commission believes this stipulation agreement best serves the interest of justice and the integrity of the New Mexico Judiciary.

1. Petitioner invokes its jurisdiction pursuant to Petitioner's power to recommend the discipline of judges, and the Supreme Court's power to discipline judges under the New Mexico Constitution Article VI, Section 32; the Court's power of superintending control under the New Mexico Constitution Article VI Section 3; and, Rule 38 of the Judicial Standards Commission's Rules.

2. On August 6, 2014, the Commission issued a *Notice of Preliminary Investigation* to Respondent in Inquiry Number 2014-094. See **Exhibit A**, *Notice of Preliminary Investigation* in Inquiry 2014-094.

3. On August 15, 2014, Respondent filed his response to the *Notice of Preliminary Investigation*, admitting that he acted improperly in attempting to vouch for the character of a defendant in a pending matter. See **Exhibit B**, Judge Ramos' response to *Notice of Preliminary Investigation* in Inquiry 2014-094.

4. On September 8, 2014, the Commission entered into a *Stipulation Agreement and Consent to Discipline ("Stipulation")* with the

Respondent (attached hereto as Exhibit C), which provides in pertinent part the following:

A. Respondent agrees to imposition of the following discipline by the Supreme Court:

(1) **Public censure**, which shall be published in the *New Mexico Bar Bulletin*.

(2) **Formal mentorship**. The Judicial Standards Commission will recommend a mentor for the Supreme Court's approval and appointment. The mentorship shall be tailored to the issues of *ex parte* communications, vouching for/acting as a character witness in legal proceedings, and abusing the prestige of judicial office. The mentorship shall begin upon the Supreme Court's appointment of the mentor, who shall report on the progress and outcome of the mentorship to the Supreme Court and to the Commission. The mentorship shall be in effect until the mentor advises the Commission that the goals of the mentorship have been achieved and the Commission files the final mentorship report with the Supreme Court. If Respondent violates any provisions of the Code of Judicial Conduct or causes a *Notice of Formal Proceedings* in another inquiry to be issued during the period of mentorship, formal proceedings in Inquiry No. 2014-094 will be initiated and admissions in Inquiry No. 2014-094 will be used in formal proceedings.

(3) **Unsupervised probation for a period of one (1) year**. Following Respondent's anticipated successful completion of a formal mentorship, Respondent will be on unsupervised probation for a period of one (1) year. The one-year probationary period will commence upon conclusion of

the mentorship on the day the Commission files the final mentor report with the Supreme Court. If Respondent violates any provisions of the Code of Judicial Conduct or causes a *Notice of Formal Proceedings* in another inquiry to be issued during the period of unsupervised probation, formal proceedings in Inquiry No. 2014-094 will be initiated and admissions in Inquiry No. 2014-094 will be used in probation revocation and formal proceedings.

B. Respondent agrees that he engaged in willful misconduct by committing the following acts:

(1) Initiated *ex parte* communications with Grant County Magistrate Judge Maurine Laney—concerning a case that was pending before Judge Laney—in an attempt to personally vouch for the character of the defendant and obtain special treatment for the defendant.

C. Respondent admits that this admitted conduct violates the following Rules of the Code of Judicial Conduct:

- (1) 21-101, Compliance with the law;
- (2) 21-102, Promoting confidence in the judiciary;
- (3) 21-103, Avoiding abuse of the prestige of judicial office;
- (4) 21-204(B) and (C), External influences on judicial conduct;
- (5) 21-206(A), Ensuring the right to be heard;
- (6) 21-209(A), *Ex parte* communications;
- (7) 21-210(A), Judicial statements on pending and impending cases; and

(8) 21-303, Testifying as a character witness, NMRA 2012.

5. As set forth in the *Stipulation*, Respondent agrees that his admitted conduct constitutes willful misconduct in office and provides sufficient basis for the New Mexico Supreme Court to impose discipline against Respondent pursuant to Article VI, Section 32 of the New Mexico Constitution.

6. Upon Order from this Court, the attached *Stipulation* is enforceable by the Commission before the Supreme Court.

7. It is in the best interest of justice and integrity of the New Mexico Judiciary that the Supreme Court grant this Petition.

WHEREFORE, Petitioner respectfully requests this Court issue an order granting the Commission's Petition, approving the *Stipulation Agreement and Consent to Discipline* and imposing the discipline set forth in the *Stipulation*. Petitioner also requests that this order unseal all documents filed in the Supreme Court in this case pursuant to Rule 27-104(B) NMRA 2011.

Respectfully submitted,

JUDICIAL STANDARDS COMMISSION



RANDALL D. ROYBAL

Executive Director & General Counsel

DEBORAH BORIO

Investigative Trial Counsel

Post Office Box 27248

Albuquerque, NM 87125-7248

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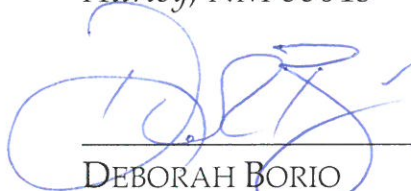
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was sent by U.S. Post on this 8th day of September, 2014, to Respondent:

Hon. David Ramos, Sr.

P.O. Box 317

Hurley, NM 88043



DEBORAH BORIO

INVESTIGATIVE TRIAL COUNSEL



STATE OF NEW MEXICO
JUDICIAL STANDARDS COMMISSION

POST OFFICE BOX 27248
ALBUQUERQUE, NEW MEXICO 87125-7248
(505) 222-9353
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RANDALL D. ROYBAL
Executive Director & General Counsel

PHYLLIS A. DOMINGUEZ
Investigative Trial Counsel

DEBORAH BORIO
Investigative Trial Counsel

August 5, 2014

CONFIDENTIAL
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Hon. David Ramos Sr.
Hurley Municipal Court
P.O. Box 65
Hurley, NM 88043

Re: Inquiry No. 2014-094

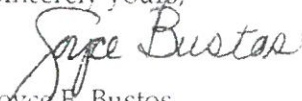
Dear Judge Ramos:

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 discussed below.

It has been alleged that on June 19, 2014, you called Grant County Magistrate Judge Maurine Laney to personally vouch for a defendant in a case that was pending before Judge Laney and to attempt to obtain special treatment for the defendant.

Please provide the Commission with an explanation of these incidents 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 E. Bustos
Chair

FILED
AUG 06 2014
NM JUDICIAL
STANDARDS COMMISSION

A handwritten signature in black ink, appearing to be "J. Ramos", written over the stamp.

EXHIBIT A

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing was mailed on the 6th day of August 2014, by certified mail, return receipt requested to:

*Hon. David Ramos Sr.
Hurley Municipal Court
P.O. Box 65
Hurley, NM 88043*


SHARIESSE T. MCCANNON
CLERK OF THE COMMISSION

8/13/14

DEAR SIRs:

I AM Judge David Ramos,
I HAVE BEEN ON THE bench for
37 YEARS. THE MATTER IN QUESTION
IS A stupid Act ON MY BEHAVIOR,
I WAS trying to BE a CHARACTER
WITNESS only. MY Apologies:

Judge David Ramos

FILED

AUG 15 2014 85

NM JUDICIAL
STANDARDS COMMISSION

EXHIBIT B

BEFORE THE JUDICIAL STANDARDS COMMISSION
OF THE STATE OF NEW MEXICO

FILED
SEP 08 2014
NM JUDICIAL
STANDARDS COMMISSION

INQUIRY CONCERNING HON. DAVID RAMOS, SR.
Hurley Municipal Court

Inquiry No. 2014-094

STIPULATION AGREEMENT AND CONSENT TO DISCIPLINE

THIS MATTER is currently pending before the Judicial Standards Commission ("the Commission") pursuant to the *Notice of Preliminary Investigation* issued August 6, 2014 in Inquiry No. 2014-094 (see **Exhibit A**, *Notice of Preliminary Investigation*, Inquiry No. 2014-094).

This *Stipulation Agreement and Consent to Discipline* ("Stipulation") is entered into by and between the Judicial Standards Commission and Hon. David Ramos, Sr. ("Respondent"). Respondent is proceeding *pro se*. The parties hereby enter into the following *Stipulation*:

1. Respondent admits that he engaged in willful misconduct by committing the following acts:

a. On or about June 19, 2014, Respondent initiated *ex parte* communications with Grant County Magistrate Judge Maurine Laney—concerning a case that was pending before Judge Laney—in an attempt to personally vouch for the character of the defendant and obtain special treatment for the defendant.

2. Respondent admits that he violated the enumerated Code of Judicial Conduct rules listed below:

a. Rules 21-101, 21-102, 21-103, 21-204 (B) and (C), 21-206(A), 21-209(A), 21-210(A), and 21-303 NMRA 2012.

EXHIBIT C

3. Respondent consents to imposition of the following discipline by the Supreme Court:

a. **Public censure**, which shall be published in the *New Mexico Bar Bulletin*.

b. **Formal mentorship**. The Judicial Standards Commission will recommend a mentor for the Supreme Court's approval and appointment. The mentorship shall be tailored to the issues of *ex parte* communications, vouching for/acting as a character witness in legal proceedings, and abusing the prestige of judicial office. The mentorship shall begin upon the Supreme Court's appointment of the mentor, who shall report on the progress and outcome of the mentorship to the Supreme Court and to the Commission. The mentorship shall be in effect until the mentor advises the Commission that the goals of the mentorship have been achieved and the Commission files the final mentorship report with the Supreme Court. If Respondent violates any provisions of the Code of Judicial Conduct or causes a *Notice of Formal Proceedings* in another inquiry to be issued during the period of mentorship, formal proceedings in Inquiry No. 2014-094 will be initiated and admissions in Inquiry No. 2014-094 will be used in formal proceedings.

c. **Unsupervised probation for a period of one (1) year**. Following Respondent's anticipated successful completion of a formal mentorship, Respondent will be on unsupervised probation for a period of one (1) year. The one-year probationary period will commence upon conclusion of the mentorship on the day the Commission files the final mentor report with the Supreme Court. If Respondent violates any provisions of the Code of Judicial Conduct or causes a *Notice of Formal Proceedings* in another inquiry to be issued during the period of unsupervised probation, formal proceedings in Inquiry No. 2014-094 will be initiated and admissions in Inquiry No. 2014-094 will be used in probation revocation and formal proceedings.

4. Upon successful completion of the terms of the *Stipulation* and the anticipated disciplinary order from the Supreme Court, the Commission will close this matter.

5. The Commission will file under seal with the New Mexico Supreme Court, pursuant to Rule 27-104(B) NMRA 2010, a *Petition to Accept Stipulation Agreement and Consent to Discipline* ("Petition"), attaching a copy of this *Stipulation*.

6. The Commission agrees to abate the current proceedings upon granting of the *Petition* by the Supreme Court.

7. Upon granting the *Petition*, pursuant to Supreme Court Rules, the matter will be unsealed.

8. This *Stipulation* is specifically enforceable by the Commission before the Supreme Court.

9. Respondent acknowledges that upon execution of this *Stipulation*, Respondent gives up any and all motions, defenses, objections, or requests that the Respondent has made or raised, or could assert hereafter in or concerning the Judicial Standards Commission proceedings.

10. The provisions of this *Stipulation* are material to the Commission's deliberations and ultimate acceptance of it.

11. This document is not enforceable unless fully executed by all parties.

12. The Commission and Respondent shall take all actions necessary to carry out and fulfill the terms and conditions of this *Stipulation*.

13. **Non-Compliance and Breach.** If Respondent violates any terms or provisions of this executed *Stipulation* or Respondent's conduct causes a *Notice of Formal Proceedings* to be issued in any matter while he is in the mentorship program or on unsupervised probation, Respondent agrees that all facts alleged in the *Notice of Preliminary Investigation* issued in Inquiry No. 2014-094 shall be deemed admitted by the Respondent, will be used against Respondent in future proceedings before the Commission and the Supreme Court, and shall constitute obstruction of Commission business and contempt.

14. Respondent shall not make any misrepresentations to the media concerning this Inquiry, the facts and circumstances of Respondent's *Stipulation*, or the Commission's proceedings.

15. The terms and conditions contained in this *Stipulation* are mutually acceptable to and agreed upon by all parties.

16. All parties have read and understand this *Stipulation*, have had the opportunity to discuss it with and be advised by legal counsel, and hereby freely and voluntarily enter into this *Stipulation* free of any threats, and free of any promises not contained herein.

RESPONDENT'S REVIEW & APPROVAL

I have read and understand this *Stipulation*. I have had the opportunity to discuss this matter and my rights with a lawyer. I understand that by entering into this *Stipulation*, I will be giving up my rights to a formal hearing on the merits and to confront, cross-examine and compel the attendance of witnesses regarding those issues. I stipulate that the Commission has sufficient evidence to prove the facts presented in this *Stipulation* and to conclude that individually and taken together the facts constitute willful misconduct in office, one or more violations of the New Mexico Code of Judicial Conduct, and provide sufficient basis for the New Mexico Supreme Court to impose discipline against me pursuant to Article VI, Section 32 of the New Mexico Constitution.

I know, understand, and agree that the enumerated facts to which I admit, my stipulated conduct, and my stipulated violations of the Code, are pursuant to Article VI, Section 32 of the New Mexico Constitution, as agreed to in the *Stipulation*, are material to the Commission's deliberations and ultimate acceptance of this *Stipulation*.



HON. DAVID RAMOS, SR.
Respondent

Dated: 9/2/14

EXAMINER'S REVIEW & APPROVAL

I have reviewed this *Stipulation* and find that it is appropriate and in the best interest of justice. I hereby recommend that the Judicial Standards Commission accept and approve this *Stipulation*.

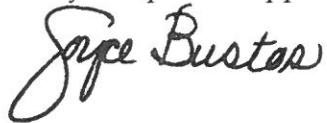


DEBORAH BORIO, Esq.
Examiner

Dated: Sept 8, 2014


JUDICIAL STANDARDS COMMISSION REVIEW & APPROVAL

The Commission has reviewed this *Stipulation* and finds that it is in the best interest of justice and hereby accepts and approves this *Stipulation Agreement and Consent to Discipline*.



JOYCE BUSTOS
Chair

Dated: 9/8/14



RANDALL D. ROYBAL, Esq.
Executive Director & General Counsel

Dated: 9/8/14