

18,539

IN THE SUPREME COURT
OF THE STATE OF NEW MEXICO

No.

IN THE MATTER OF HON. RUDY MARTIN
Rio Arriba County Magistrate Court

INQUIRY CONCERNING HON. RUDY MARTIN
Inquiry Nos. 2014-112, 2014-135, and 2014-150

SUPREME COURT OF NEW MEXICO
FILED

FEB - 2 2015



**FAXED
ORIGINAL**

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

PETITION TO ACCEPT STIPULATION AGREEMENT

JUDICIAL STANDARDS COMMISSION
RANDALL D. ROYBAL
DEBORAH L. BORIO
Post Office Box 27248
Albuquerque, NM 87125-7248
Telephone: (505) 222-9353
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HON. RUDY MARTIN
Post Office Box 2668
Española, New Mexico 87532

Respondent

Counsel for Petitioner

IN THE SUPREME COURT
OF THE STATE OF NEW MEXICO

No.

IN THE MATTER OF HON. RUDY MARTIN
Rio Arriba County Magistrate Court

INQUIRY CONCERNING HON. RUDY MARTIN
Inquiry Nos. 2014-112, 2014-135, and 2014-150

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

PETITION TO ACCEPT STIPULATION AGREEMENT

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 to Permanent Resignation Upon Expiration of Term of Office* (“*Stipulation*”), attached hereto as **Exhibit 1**, in which Respondent, Hon. Rudy Martin, agrees that he shall be permanently resigned effective at the expiration of his term of office, which occurred on December 31, 2014, at 11:59 p.m. The

Commission further requests, upon Respondent's consent, that the Court permanently bar Respondent from judicial office, ordering that Respondent shall never again hold, become a candidate for, run for, or stand for election to any New Mexico judicial office in the future and that he shall never seek, accept appointment to, or serve *pro tempore* for any New Mexico judicial office in the future, or exercise any judicial authority in the State of New Mexico. In addition, the Commission requests the Court unseal the file in this matter, pursuant to Rule 27-104(B) NMRA 2011.

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 N.M. Const. Article VI, Section 32; the Court's power of superintending control under N.M. Const. Article VI, Section 3; and, Rule 38 of the Judicial Standards Commission's Rules.

2. On October 17, 2014, the Commission issued a *Notice of Formal Proceedings* to Respondent in Inquiry Numbers 2014-112, 2014-135, and 2014-150. (See Exhibit A to Exhibit 1.)

3. The Commission's inquiry and proceedings concerning Respondent in this matter have been ongoing since July 25, 2014.

4. Following a vote of the Commissioners, the Commission entered into a *Stipulation to Permanent Resignation Upon Expiration of Term of Office* ("*Stipulation*") with the Respondent on January 30, 2015 (Exhibit 1), which provides in pertinent part the following:

A. Respondent agrees that his permanent resignation shall be effective at the expiration of his term of office on December 31, 2014, at 11:59 p.m. Upon his permanent resignation, Respondent shall never again hold, become a candidate for, run for, or stand for election to any New Mexico judicial office in the future. Respondent shall never seek, accept appointment to, or serve *pro tempore* for any New Mexico judicial office in the future. New Mexico judicial office includes the posts of judge in municipal court, probate court, magistrate court, metropolitan court, district court, Court of Appeals, and justice of the Supreme Court. Respondent shall never again hold or exercise any judicial authority in the State of New Mexico.

B. Respondent does not contest the following charges, but denies that he engaged in willful misconduct or that he violated any rules of the Code of Judicial Conduct:

(1) On or about July 22, 2014, while serving as Rio Arriba County Magistrate Judge, Respondent failed

to timely withdraw as legal counsel and obtain substitute counsel for the defendant in *State v. Patrick Herrera*, D-117-CR-2013-00328, and appeared as the attorney of record before Hon. Sheri Raphaelson;

(2) On or about September 4, 2014, while serving as Rio Arriba County Magistrate Judge, Respondent failed to timely withdraw as legal counsel and moved for a continuance in the case of *Pueblo of Pojoaque v. Gerald Viarrial*, 14-009-CR;

(3) On or between about June 7, 2014 and October 9, 2014, while serving as Rio Arriba County Magistrate Judge, Respondent failed to timely withdraw as legal counsel in the matters of:

- (a) D-117-CV-2012-00223, *Carlos Martinez v. Northern New Mexico College*;
- (b) D-117-PB-2012-00050, *In the Matter of Angelina M. Atencio*;
- (c) M-043-CV-2011-00078, *Flores Medina v. Martinez*; and,
- (d) D-117-CV-2011-00017, *Mona Vigil, et al. v. Olivia Younker, et al.*;

(4) On or about June 25, 2014, Respondent exceeded his jurisdiction when he arraigned a juvenile on a petty misdemeanor charge, accepted a "Guilty" plea from the juvenile, adjudged him Guilty, sentenced the juvenile to 182 days unsupervised probation, and assessed \$98.00 in fines and fees against the juvenile; and,

(5) On or about September 8, 2014, Respondent conducted a trial entirely in Spanish, which is expressly prohibited by the Rules of Civil Procedure for the Magistrate Courts.

C. Respondent denies the following charges and denies that he engaged in willful misconduct or that he violated any rules of the Code of Judicial Conduct:

(1) On or about October 8, 2014, Respondent involved himself in an ongoing New Mexico State Police (NMSP) investigation by going to the scene of a follow-up investigation, asking an NMSP Agent about the investigation, and then subsequently arriving at the home of one of the suspects as either the attorney for the suspect or assisting the suspect in obtaining an attorney;

(2) On or between about June 23, 2014 and August 29, 2014, Respondent made defamatory and critical remarks in open court and the community at large about the Rio Arriba County Magistrate Court Presiding Judge and the former magistrate judge whose position Respondent was appointed to fill, and Respondent continued to make defamatory and critical remarks about these judges despite being expressly told, in person, by the Administrative Office of the Courts Director, Magistrate Court Division, on July 9, 2014, and again by the Director's written memorandum that was emailed to Respondent on July 11, 2014, that it was a violation of the Code of Judicial Conduct to publicly criticize

other judges and that Respondent needed to refrain from doing so; and,

(3) On or between about June 7, 2014 and October 9, 2014, while serving as Rio Arriba County Magistrate Judge, Respondent engaged in the practice of law by failing to timely withdraw and obtain substitute counsel for his clients, and was still listed as the attorney of record for the following cases:

- (a) D-117-CV-2014-00043, *In the Matter of Esperanza Cruz*;
- (b) M-043-TR-2013-02931, *State v. Baltazar Huerta-Granillo*;
- (c) D-117-CV-2013-00416, *Charles Williams II v. Leroy Ortiz*;
- (d) D-117-CV-2013-00411, *Ramon Garcia v. MGA Insurance Company, Inc.*;
- (e) D-117-DM-2013-00165, *Ana Lilia Morales v. Baltazar Huerta*;
- (f) M-043-DR-2013-00099, *State v. Esther Manzanares*;
- (g) D-117-CV-2013-00015, *Leo R. Maestas v. Rosinaldo Ortega*;
- (h) D-101-DV-2012-00590, *Julie Romero v. Lara Barela*;
- (i) T-4-DW-2004-000465, *State v. Eric Archuleta*;
- (j) M-43-CV-2004-00033, *Sammy Garduno v. John Medina*; and,
- (k) D-117-DM-2001-00693, *Ira Everett v. Roberta Everett*.

5. As set forth in the *Stipulation*, Respondent acknowledges that his conduct concerning the enumerated facts which Respondent does not contest 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 to Permanent Resignation Upon Expiration of Term of Office*, and ordering that Respondent's resignation from judicial office is permanent and that he is barred from ever again holding, becoming a candidate for, running for, or standing for election to any New Mexico judicial office in the future and that he shall never seek, accept appointment to, or serve *pro tempore* for any New Mexico judicial office in the future, or exercise any judicial authority

in the State of New Mexico. Petitioner also requests that the Court's 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

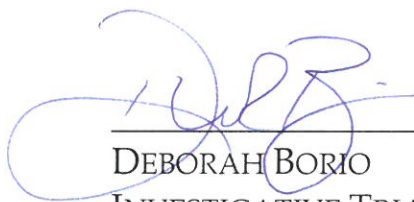
DEBORAH BORIO
Investigative Trial Counsel

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was sent by
U.S. Post and email on this 2^d day of February, 2015, to the Respondent:

Hon. Rudy Martin
P.O. Box 2668
Espanola, New Mexico 87532



DEBORAH BORIO
INVESTIGATIVE TRIAL COUNSEL

BEFORE THE JUDICIAL STANDARDS COMMISSION

STATE OF NEW MEXICO

INQUIRY CONCERNING HON. RUDY MARTIN
Rio Arriba County Magistrate Court

Inquiry Nos. 2014-112, 2014-135, and 2014-150

FILED
JAN 30 2015
NM JUDICIAL
STANDARDS COMMISSION



**STIPULATION TO PERMANENT RESIGNATION UPON EXPIRATION OF
TERM OF OFFICE**

THIS MATTER is currently pending before the Judicial Standards Commission (“the Commission”) pursuant to the *Notice of Formal Proceedings* filed in Inquiry Nos. 2014-112, 2014-135, and 2014-150 filed October 17, 2014. (See **Exhibit A**, *Notice of Formal Proceedings* in Inquiry Nos. 2014-112, 2014-135, and 2014-150).

This *Stipulation to Permanent Resignation Upon Expiration of Term of Office* (“*Stipulation*”) is entered into by and between the Judicial Standards Commission and Hon. Rudy Martin (“Respondent”). Respondent is proceeding *pro se*. The parties hereby enter into the following *Stipulation*:

1. Respondent Hon. Rudy Martin was a magistrate court judge in Rio Arriba County at the time of the conduct alleged.
2. Respondent was suspended from performing duties as magistrate judge by the Chief Justice of the New Mexico Supreme Court effective October 31, 2014, through the end of Respondent’s term, which is December 31, 2014.
3. The Commission has jurisdiction over the Respondent and the above-captioned and numbered matter pursuant to Article VI, Section 32 of the Constitution of the State of New Mexico; Sections 34-10-1 through 34-10-4 NMSA 1978, as amended; and the Judicial Standards Commission Rules.

**Exhibit
1**

4. Respondent does not contest the following charges, but denies that he engaged in willful conduct or that he violated any rules of the Code of Judicial Conduct:

a. On or about July 22, 2014, while serving as Rio Arriba County Magistrate Judge, Respondent failed to timely withdraw as legal counsel and obtain substitute counsel for the defendant in *State v. Patrick Herrera*, D-117-CR-2013-00328, and appeared as the attorney of record before Hon. Sheri Raphaelson;

b. On or about September 4, 2014, while serving as Rio Arriba County Magistrate Judge, Respondent failed to timely withdraw as legal counsel and moved for a continuance in the case of *Pueblo of Pojoaque v. Gerald Viarrial*, 14-009-CR;

c. On or between about June 7, 2014 and October 9, 2014, while serving as Rio Arriba County Magistrate Judge, Respondent failed to timely withdraw as legal counsel in the matters of:

- | | | |
|----|---------------------|-------------------------------------------------------|
| 1) | D-117-CV-2012-00223 | <i>Carlos Martinez v. Northern New Mexico College</i> |
| 2) | D-117-PB-2012-00050 | <i>In the Matter of Angelina M. Atencio</i> |
| 3) | M-043-CV-2011-00078 | <i>Flores Medina v. Martinez</i> |
| 4) | D-117-CV-2011-00017 | <i>Mona Vigil, et al. v. Olivia Younker, et al.;</i> |

d. On or about June 25, 2014, Respondent exceeded his jurisdiction when he arraigned a juvenile on a petty misdemeanor charge, accepted a "Guilty" plea from the juvenile, adjudged him Guilty, sentenced the juvenile to 182 days unsupervised probation, and assessed \$98.00 in fines and fees against the juvenile; and,

e. On or about September 8, 2014, Respondent conducted a trial entirely in Spanish, which is expressly prohibited by the Rules of Civil Procedure for the Magistrate Courts.

5. Respondent denies the following charges and denies that he engaged in willful misconduct or that he violated any rules of the Code of Judicial Conduct:

a. On or about October 8, 2014, Respondent involved himself in an ongoing New Mexico State Police (NMSP) investigation by going to the scene of a follow-up investigation, asking an NMSP Agent about the investigation, and then subsequently arriving at the home of one of the suspects as either the attorney for the suspect or assisting the suspect in obtaining an attorney;

b. On or between about June 23, 2014 and August 29, 2014, Respondent made defamatory and critical remarks in open court and the community at large about the Rio Arriba County Magistrate Court Presiding Judge and the former magistrate judge whose position Respondent was appointed to fill, and Respondent continued to make defamatory and critical remarks about these judges despite being expressly told, in person, by the Administrative Office of the Courts Director, Magistrate Court Division, on July 9, 2014, and again by the Director's written memorandum that was emailed to Respondent on July 11, 2014, that it was a violation of the Code of Judicial Conduct to publicly criticize other judges and that Respondent needed to refrain from doing so; and,

c. On or between about June 7, 2014 and October 9, 2014, while serving as Rio Arriba County Magistrate Judge, Respondent engaged in the practice of law by failing to timely withdraw and obtain substitute counsel for his clients, and was still listed as the attorney of record for the following cases:

- | | | |
|----|---------------------|----------------------------------------------------|
| 1) | D-117-CV-2014-00043 | <i>In the Matter of Esperanza Cruz</i> |
| 2) | M-043-TR-2013-02931 | <i>State v. Baltazar Huerta-Granillo</i> |
| 3) | D-117-CV-2013-00416 | <i>Charles Williams II v. Leroy Ortiz</i> |
| 4) | D-117-CV-2013-00411 | <i>Ramon Garcia v. MGA Insurance Company, Inc.</i> |
| 5) | D-117-DM-2013-00165 | <i>Ana Lilia Morales v. Baltazar Huerta</i> |

6)	M-043-DR-2013-00099	<i>State v. Esther Manzanares</i>
7)	D-117-CV-2013-00015	<i>Leo R. Maestas v. Rosinaldo Ortega</i>
8)	D-101-DV-2012-00590	<i>Julie Romero v. Lara Barela</i>
9)	T-4-DW-2004-000465	<i>State v. Eric Archuleta</i>
10)	M-43-CV-2004-00033	<i>Sammy Garduno v. John Medina</i>
11)	D-117-DM-2001-00693	<i>Ira Everett v. Roberta Everett.</i>

6. Upon his permanent resignation, which shall be effective at the expiration of Respondent's term of office on December 31, 2014, at 11:59 p.m., Respondent shall never again hold, become a candidate for, run for, or stand for election to any New Mexico judicial office in the future. Respondent shall never seek, accept appointment to, or serve *pro tempore* for any New Mexico judicial office in the future. New Mexico judicial office includes the posts of judge in municipal court, probate court, magistrate court, metropolitan court, district court, Court of Appeals, and justice of the Supreme Court. Respondent shall never again hold or exercise any judicial authority in the State of New Mexico.

7. The Commission will file under seal with the New Mexico Supreme Court, pursuant to Rule 27-104(B) NMRA 2011, a *Petition to Accept Stipulation to Permanent Resignation Upon Expiration of Term of Office ("Petition")*, attaching a copy of this *Stipulation* and a copy of the *Notice of Formal Proceedings* issued in Inquiry Nos. 2014-112, 2014-135, and 2014-150, that was filed on October 17, 2014, which is required by the Supreme Court.

8. Upon granting the *Petition*, pursuant to the Supreme Court Rules, the Supreme Court's file will be unsealed.

9. Upon execution of this *Stipulation* and acceptance by the Supreme Court, the Commission will abate the proceedings and close this matter (Inquiry Nos. 2014-112, 2014-135, and 2014-150).

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

11. 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.

12. Non-Compliance and Breach. If Respondent violates any terms or provisions of this executed *Stipulation*, Respondent agrees that all facts alleged in the *Notice of Formal Proceedings* filed in Inquiry Nos. 2014-112, 2014-135, and 2014-150, including those facts denied or not specifically admitted in this *Stipulation*, 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 and, further, that the Commission may proceed directly to the penalty phase of formal proceedings.

13. Respondent shall not make any misrepresentations to the media concerning this matter (Inquiry Nos. 2014-112, 2014-135, and 2014-150), the facts and circumstances of Respondent's permanent resignation, or the Commission's proceedings.

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

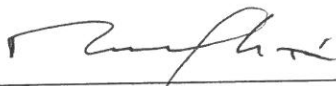
15. The Commission and Respondent shall take all actions necessary to carry out and fulfill the terms and conditions of this *Stipulation*.

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

17. 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.

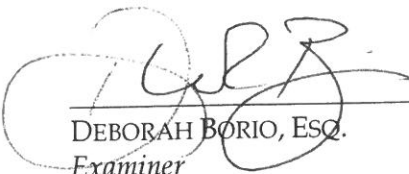
RESPONDENT'S REVIEW & APPROVAL

I have read and understand this *Stipulation*. I have had the opportunity to discuss this matter and my rights with an attorney. I acknowledge that my conduct concerning the enumerated facts which I do not contest provide sufficient bases for the imposition of discipline pursuant to Article VI, Section 32 of the New Mexico Constitution, as agreed to in this *Stipulation*, and are material to the Commission's deliberations and ultimate acceptance of this *Stipulation to Permanent Resignation Upon Expiration of Term of Office*.


_____ Dated: 1-26-15
HON. RUDY MARTIN
Respondent

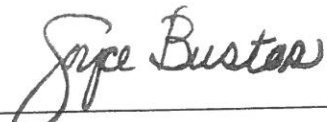
EXAMINER'S REVIEW & APPROVAL

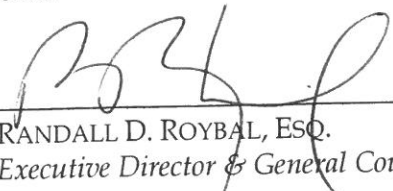
I have reviewed this *Stipulation* and find that it is appropriate and in the best interest of justice. I hereby recommend that the Judicial Standards Commission accept, approve, and enter into this *Stipulation to Permanent Resignation Upon Expiration of Term of Office*.


_____ Dated: 1/29/2015
DEBORAH BORIO, ESQ.
Examiner

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, approves, and enters into this *Stipulation to Permanent Resignation Upon Expiration of Term of Office*.


_____ Dated: 1/30/15
JOYCE BUSTOS
Chair


_____ Dated: 1/30/15
RANDALL D. ROYBAL, ESQ.
Executive Director & General Counsel

BEFORE THE JUDICIAL STANDARDS COMMISSION

OF THE STATE OF NEW MEXICO

INQUIRY CONCERNING HON. RUDY MARTIN
Rio Arriba County Magistrate Court

Inquiry Nos. 2014-112, 2014-135 & 2014-150

FILED

OCT 17 2014

NM JUDICIAL
STANDARDS COMMISSION

NOTICE OF FORMAL PROCEEDINGS

Hon. Rudy Martin
Rio Arriba County Magistrate Court
1127 Santa Clara Peak Rd.
Española, NM 87532

YOU ARE HEREBY NOTIFIED that the Judicial Standards Commission, pursuant to Rule 15 NMRA 2010 of the Judicial Standards Commission Rules, has instituted formal proceedings on the allegations set forth below.

COUNT I

On or about October 8, 2014, you involved yourself in an ongoing New Mexico State Police (NMSP) investigation by going to the scene of a follow-up investigation, asking an NMSP Agent about the investigation, and then subsequently arriving at the home of one of the suspects as either the attorney for the suspect or assisting the suspect in obtaining an attorney.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-103, 21-204(B), 21-210, and 21-310 NMRA 2012, and constitutes willful misconduct in office.

COUNT II

On or about July 22, 2014 while serving as Rio Arriba County Magistrate Judge, you engaged in the practice of law when you failed to timely withdraw and obtain substitute

Exhibit
A

counsel for the defendant in *State v. Patrick R. Herrera*, D-117-CR-2013-00328, and instead, appeared as the attorney of record before Hon. Sheri Raphaelson.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-103, 21-204(B) and 21-310 NMRA 2012 and constitutes willful misconduct in office.

COUNT III

On or about September 4, 2014, while serving as Rio Arriba County Magistrate Judge, you engaged in the practice of law by filing a pleading as the attorney of record in the case of *Pueblo of Pojoaque v. Gerald Viarrial*, 14-009-CR, wherein you stated reasons and moved for a continuance, as well as untimely moved for withdrawal nearly three months after you were qualified, appointed, and sworn in to assume judicial duties.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-103, 21-204(B) and 21-310 NMRA 2012 and constitutes willful misconduct in office.

COUNT IV

On or between about June 7, 2014 and October 9, 2014, while serving as Rio Arriba County Magistrate Judge, you engaged in the practice of law by failing to timely withdraw and obtain substitute counsel for your clients and, by example, were still the attorney of record in the following cases:

- | | | |
|-----|---------------------|-------------------------------------------------------|
| 1) | D-117-CV-2014-00043 | <i>In the Matter of Esperanza Cruz</i> |
| 2) | M-043-TR-2013-02931 | <i>State v. Baltazar Huerta-Granillo</i> |
| 3) | D-117-CV-2013-00416 | <i>Charles Williams II v. Leroy Ortiz</i> |
| 4) | D-117-CV-2013-00411 | <i>Ramon Garcia v. MGA Insurance Company, Inc.</i> |
| 5) | D-117-DM-2013-00165 | <i>Ana Lilia Morales v. Baltazar Huerta</i> |
| 6) | M-043-DR-2013-00099 | <i>State v. Esther Manzanares</i> |
| 7) | D-117-CV-2013-00015 | <i>Leo R. Maestas v. Rosendo Ortega</i> |
| 8) | D-101-DV-2012-00590 | <i>Julie Romero v. Lara Barela</i> |
| 9) | D-117-CV-2012-00223 | <i>Carlos Martinez v. Northern New Mexico College</i> |
| 10) | D-117-PB-2012-00050 | <i>In the Matter of Angelina M. Atencio</i> |

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| 11) | M-043-CV-2011-00078 | <i>Flores Medina v. Martinez</i> |
| 12) | D-117-CV-2011-00017 | <i>Mona Vigil, et al. v. Olivia Younker, et al.</i> |
| 13) | T-4-DW-2004-000465 | <i>State v. Eric Archuleta</i> |
| 14) | M-43-CV-2004-00033 | <i>Sammy Garduno v. John Medina</i> |
| 15) | D-117-DM-2001-00693 | <i>Ira Everett v. Roberta Everett</i> |

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-103, 21-204(B) and 21-310 NMRA 2012 and constitutes willful misconduct in office.

COUNT V

On or about June 25, 2014, you exceeded your jurisdiction when you arraigned a juvenile on a petty misdemeanor charge, accepted a "Guilty" plea from the juvenile, adjudged him Guilty, sentenced the juvenile to 182 days unsupervised probation, and assessed \$98.00 in fines and fees against the juvenile.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, and 21-205(A) NMRA 2012 and constitutes willful misconduct in office.

COUNT VI

On or between about June 23, 2014 and August 29, 2014, you made defamatory and critical remarks in open court and the community at large about the Rio Arriba County Magistrate Court Presiding Judge and the former magistrate judge whose position you were appointed to fill. You continued to make defamatory and critical remarks about these judges despite being expressly told, in person, by the Administrative Office of the Courts Director, Magistrate Court Division, on July 9, 2014, and again by the Director's written memorandum that was emailed to you on July 11, 2014, that it was a violation of the Code of Judicial Conduct to publicly criticize other judges and that you needed to refrain from doing so.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-202, 21-203, and 21-208(B) NMRA 2012 and constitutes willful misconduct in office.

COUNT VII

On or about August 29, 2014, at the Defendant's arraignment in the case of *State v. Wesley Martinez*, M-43-TR-2014-03116, you failed to be patient, dignified, and courteous to the Defendant and disparaged him for having received "slaps on the hand" for eleven previous citations and accused him of having received such lenient treatment because he or his family knew the Presiding Judge of the Rio Arriba County Magistrate Court and, further, created the perception that you were not impartial and that you had prejudged the case by making comments to the effect that the Defendant would not be treated so leniently in your courtroom.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, 21-202, 21-203(A) and (B), 21-204(B), 21-208(B), 21-210(B), and 21-211(A)(1) NMRA 2012 and constitutes willful misconduct in office.

COUNT VIII

On or about September 8, 2014, you failed to appoint a court interpreter, as required by the Rules of Civil Procedure for the Magistrate Courts, when the need became apparent from the disclosure by a case participant, and, instead, conducted a trial entirely in Spanish, which is expressly prohibited by the Rules of Civil Procedure for the Magistrate Courts.

Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, and 21-205(A) NMRA 2012 and constitutes willful misconduct in office.

PLEASE BE ADVISED that in accordance with Rule 16 of the Judicial Standards Commission Rules, you shall file a written answer to this notice within twenty-one (21) days of its service upon you. Your answer shall be filed with:

Judicial Standards Commission
P.O. Box 27248
Albuquerque, New Mexico 87125-7248

Your answer should be legible and your signature must be verified.

Article VI, Section 32 of the New Mexico Constitution provides that all papers filed with and proceedings before the Judicial Standards Commission are confidential, except that any record filed by the Commission in the New Mexico Supreme Court continues privileged but, upon its filing, loses its confidential character, and a writing which was privileged prior to filing with the Commission or its masters does not lose its privilege by the filing.

JUDICIAL STANDARDS COMMISSION

By: Joyce Bustos
Joyce Bustos, Chair
Post Office Box 27248
Albuquerque, NM 87125-7248

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was sent via certified mail, return receipt requested on this 17th day of October, 2014, to the following:

Hon. Rudy Martin
Rio Arriba County Magistrate Court
1127 Santa Clara Peak Rd.
Española, NM 87532

Shariesse T. McCannon
SHARIESSE T. MCCANNON
Clerk of the Commission