Joey D. Moya

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

No.

IN THE MATTER OF HON. DEBORAH DAVIS WALKER Second Judicial District Court

INQUIRY CONCERNING HON. DEBORAH DAVIS WALKER
Inquiry No. 2019-003
S-1-SC-37498

FILED UNDER SEAL

PURSUANT TO 27-104(B) NMRA 2011

PETITION TO ACCEPT STIPULATION TO PERMANENT RETIREMENT FROM JUDICIAL OFFICE IN LIEU OF IMMEDIATE TEMPORARY SUSPENSION AND FURTHER DISCIPLINARY PROCEEDINGS

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

Fax: (505) 222-9358

RANDALL D. ROYBAL Executive Director & General Counsel

PHYLLIS A. DOMINGUEZ Deputy Director

Counsel for Petitioner

BRIGGS F. CHENEY, ESQ. Sheehan & Sheehan PA P.O. Box 271 Albuquerque, New Mexico 87103 (505) 247-0411 Fax: (505) 842-8890

Counsel for Respondent

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

No.

IN THE MATTER OF HON. DEBORAH DAVIS WALKER Second Judicial District Court

INQUIRY CONCERNING HON. DEBORAH DAVIS WALKER Inquiry No. 2019-003

FILED UNDER SEAL

PURSUANT TO 27-104(B) NMRA 2011

PETITION TO ACCEPT STIPULATION TO PERMANENT RETIREMENT FROM JUDICIAL OFFICE IN LIEU OF IMMEDIATE TEMPORARY SUSPENSION AND FURTHER DISCIPLINARY PROCEEDINGS

The Judicial Standards Commission of the State of New Mexico ("Commission"), through the undersigned counsel, hereby petitions the Supreme Court for an order approving the Stipulation to Permanent Retirement from Judicial Office in Lieu of Immediate Temporary Suspension and Further Disciplinary Proceedings ("Stipulation"), attached hereto as Exhibit 1,

in which Respondent, Hon. Deborah Davis Walker, agrees to permanently retire effective at 5:00 p.m. on January 31, 2019. The Commission further requests that the Supreme Court unseal the entire file in this matter, pursuant to Rule 27-104(B) NMRA 2011.

The Respondent agrees to never again hold judicial office or exercise any judicial authority in the State of New Mexico. The Commission believes this *Stipulation* agreement best serves the interest of justice and the integrity of the New Mexico judiciary.

- 1. The Commission invokes its jurisdiction pursuant to the Commission's power to recommend the discipline of judges, the Supreme Court's power to discipline judges under N.M. Const. Article VI, Section 32, and the Supreme Court's power of superintending control under N.M. Const. Article VI, Section 3.
- 2. The Commission issued a *Notice of Preliminary Investigation* to Respondent in Inquiry No. 2019-003 on January 24, 2019, attached hereto as **Exhibit 2**.

3. Upon unanimous vote of the participating Commissioners, the Commission entered into a *Stipulation* with the Respondent on January 25, 2019, which provides in pertinent part the following:

Respondent agrees to permanently retire as judge of the Second Judicial District Court, effective at 5:00 p.m. on January 31, 2019. Upon acceptance of this Stipulation by the New Mexico Supreme Court, Respondent shall effect her permanent retirement by submitting duplicate original letters of resignation addressed to the Chief Justice of the New Mexico Supreme Court and to the Governor of the State of New Mexico with a copy to the Judicial Standards Commission. Upon retirement 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, to include officiating at weddings.

- 4. Upon Order from this Court the attached *Stipulation* is enforceable by the Commission before the Supreme Court.
- 5. It is in the best interest of justice, the New Mexico judiciary, and the public for the Supreme Court to grant this petition.

WHEREFORE, the Commission respectfully requests this Court issue an order granting the Commission's Petition to Accept Stipulation to Permanent Retirement from Judicial Office in Lieu of Immediate Temporary

Suspension and Further Disciplinary Proceedings, approving the Stipulation, ordering the permanent retirement from judicial office of Respondent Hon. Deborah Davis Walker effective at 5:00 p.m. on January 31, 2019, and unsealing all documents filed in the Supreme Court in this case pursuant to Rule 27-104(B) NMRA.

Respectfully submitted,

JUDICIAL STANDARDS COMMISSION

RANDALL D. ROYBAL

Executive Director & General Counsel

PHYLLIS A. DOMINGUEZ

Deputy Director

P.O. Box 27248

Albuquerque, NM 87125-7248

Telephone: (505) 222-9353

Fax: (505) 222-9353

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was filed and served via the Court's Electronic Filing and Service System addressed to Briggs F. Cheney, Esq., on this <u>35</u> day January 2019.

PHYLLIS A. DOMINGUEZ

FILED
JAN 2 5 2019 &
NNI JUDICIAL

BEFORE THE JUDICIAL STANDARDS COMMISSION STANDARDS COMMISSION STATE OF NEW MEXICO

INQUIRY CONCERNING HON. DEBORAH DAVIS WALKER Second Judicial District Court

Inquiry No. 2019-003

STIPULATION TO PERMANENT RETIREMENT FROM JUDICIAL OFFICE
IN LIEU OF IMMEDIATE TEMPORARY SUSPENSION AND FURTHER DISCIPLINARY
PROCEEDINGS

THIS MATTER is currently pending before the Judicial Standards Commission ("Commission") pursuant to a *Notice of Preliminary Investigation* issued to Hon. Deborah Davis Walker ("Respondent") on January 24, 2019 in Inquiry No. 2019-003 (*See Exhibit A*). The Commission voted to file a petition for Immediate Temporary Suspension on January 24, 2019.

This Stipulation to Permanent Retirement from Judicial Office in Lieu of Immediate Temporary Suspension and Further Disciplinary Proceedings ("Stipulation") is entered into by and between the Commission and Respondent, who is represented by Briggs F. Cheney, Esq., of Sheehan & Sheehan P.A. The parties hereby enter into the following agreement:

- The Commission has jurisdiction over Respondent and the above-captioned and numbered matter pursuant to Article VI, Section 32 of the Constitution of the State of New Mexico; NMSA 1978, Sections 3410-1 through 34-10-4; and, the Judicial Standards Commission Rules.
- 2. Respondent agrees to permanently retire as judge of the Second Judicial District Court effective at 5:00 p.m. on January 31, 2019. Grounds for this *Stipulation* include Respondent's arrest on January 23, 2019, cause number T-4-DW-2019-00182, for the offense of Driving under the Influence of Intoxicating Liquor or Drugs and Failure to Keep a Proper Lookout, the resulting pending criminal charges and the Commission's disciplinary

Exhibit 1

in Lieu of Immediate Temporary Suspension and Further Disciplinary Proceedings

proceedings. (See Exhibit B.) Upon acceptance of this Stipulation by the Court, Respondent shall effect her permanent retirement by submitting duplicate original letters of retirement addressed to the Chief Justice of the New Mexico Supreme Court and to the Governor of the State of New Mexico, with a copy to the Judicial Standards Commission.

- Jupon retirement 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, to include officiating at weddings.
- 4. Pursuant to Rule 27-104(B) NMRA, the Commission will file <u>under seal</u> with the Court, a Petition to Accept Stipulation to Permanent Retirement from Judicial Office in Lieu of Immediate Temporary Suspension and Further Disciplinary Proceedings (Petition). A copy of this Stipulation will be attached as Exhibit 1 to the Petition.
- Upon granting the Petition and pursuant to Supreme Court Rule 27-104(B), the
 Court should unseal the Petition.
- 6. Upon execution of this *Stipulation* and acceptance by the Court, the Commission will abate and close the matter pending against the Respondent before the Commission (Inquiry No. 2019-003).
 - 7. This Stipulation is specifically enforceable by the Commission before the Court.

in Lieu of Immediate Temporary Suspension and Further Disciplinary Proceedings

- 8. 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 Commission's proceedings.
- 9. Respondent shall not make any public misrepresentations concerning this inquiry, the facts and circumstances of Respondent's permanent retirement, or the Commission's proceedings.
- 10. The Commission and Respondent shall take all actions necessary to carry out and fulfill the terms and conditions of this Stipulation.
 - 11. This document is not enforceable unless fully executed by all parties.
- 12. If Respondent violates any terms or provisions of this executed *Stipulation*, Respondent agrees that <u>all</u> facts alleged in the *Notice of Preliminary Investigation* issued in Inquiry No. 2019-003, shall be deemed admitted by the Respondent, will be used against Respondent in future proceedings before the Commission and the Court, and shall constitute obstruction of Commission business and contempt.
- 13. The terms and conditions contained in this *Stipulation* are mutually acceptable to and agreed upon by all parties.
- 14. 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 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 these issues.

INQUIRY CONCERNING HON. DEBORAH DAVIS WALKER

Stipulation to Permanent Retirement from Judicial Office

in Lieu of Immediate Temporary Suspension and Further Disciplinary Proceedings

Inquiry No. 2019-003 Page 4

I know, understand, and agree that the provisions of this *Stipulation* are material to the Commission's deliberations and ultimate acceptance of it. I also understand and agree that by entering into this *Stipulation*, I am agreeing to never again hold judicial office or exercise judicial authority as defined in this agreement under any circumstances, and that if I do hold any judicial office or exercise judicial authority at any point in the future, I will be in violation of this

Stipulation and I could be held in contempt of the Commission and the Court. I further understand that if I violate any provision of this Stipulation in any other manner, I agree, acknowledge, and accept that <u>all</u> allegations lodged against me in the Notice of Preliminary Investigation issued to me are admitted by me as fact, and that the Commission shall re-initiate the matter pending before the Court and/or the Commission at the time this Stipulation was executed.

I understand and agree that my attorney is speaking for me, and on my behalf in this proceeding, and that anything my attorney says or does in this proceeding can and should be attributable to me. In the event my attorney says or does anything during the course of this proceeding that I do not agree with, I know, understand and agree that I have an affirmative duty to make my disagreement with my attorney's words or conduct known. If I do not make my disagreement known, then I know, understand, and agree that I am accepting my attorney's words and conduct in this proceeding as my own.

1	Ebrah Pairstiller
HON.	DEBORAH DAVIS WALKER

Respondent

DEFENSE COUNSEL REVIEW

Dated: _ /- 25-19

I have reviewed the stipulation agreement with my client. I have advised my client of her constitutional rights and possible defenses, and hereby approve my client's entry into this Stipulation.

Dated: /25/19

BRIGGS F. CHENEY, ESQ. Counsel for Respondent

INQUIRY CONCERNING HON. DEBORAH DAVIS WALKER

Stipulation to Permanent Retirement from Judicial Office

in Lieu of Immediate Temporary Suspension and Further Disciplinary Proceedings

Inquiry No. 2019-003 Page 5

EXAMINER'S REVIEW AND 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.

Dated: 1/25/9

PHYLLIS A DOMINGUEZ ESQ.

Examiner

JUDICIAL STANDARDS COMMISSION REVIEW & APPROVAL

The Commission has reviewed this Stipulation and justice and hereby accepts and approves this Stipulation. JOYCE BUSTOS Chair	d finds that it is in the best interest of Dated: $\frac{1/25/2019}{}$
22 D	1/20-/10

RANDALL D. ROYBAY, ESQ.

Executive Director & General Counsel

Filed Supreme Court of New Mexico 1/28/2019 10:00 AM Office of the Clerk



STATE OF NEW MEXICO JUDICIAL STANDARDS COMMISSION

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

January 24, 2019

RANDALL D. ROYBAL
Executive Director & General Counsel

PHYLLIS A. DOMINGUEZ

Deputy Director

DEBORAH BORIO Senior Investigative Trial Counsel

CONFIDENTIAL

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Hon. Deborah Davis Walker C/O Briggs F. Cheney, Esq. Sheehan & Sheehan PA P.O. Box 271 Albuquerque, New Mexico 87103-0271

Re: Inquiry No. 2019-003, Notice of Preliminary Investigation

FILED

JAN 24 2019

NIM JUDICIAL

STANDARDS COMMISSION

Dear Judge Walker:

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 matters discussed below.

It has been alleged that on or about January 23, 2019, you were arrested and charged with Driving While Under the Influence of Intoxicating Liquor or Drug ("DWI") and Failure to Keep Proper Lookout. The criminal matter is styled T-4-DW-2019-000181, and is ongoing before the Bernalillo County Metropolitan Court.

Please provide the Commission with an explanation of this incident and the factual and legal basis 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

bair

Ex. A to Stipulation

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing was mailed on the Junday of January 2019 by certified mail, return receipt requested to:

Hon. Deborah Davis Walker C/O Briggs F. Cheney Sheehan & Sheehan PA P.O. Box 271 Albuquerque, New Mexico 87103-0271

> SHARIESSE T. MCCANNON CLERK OF THE COMMISSION



STATE OF NEW MEXICO

BERNALILLO

COUNTY

ALBUQUERQUE

Name: WALKER

Address: City/Zip: ALBUQUERQUE CITY

D.O.B .:

S.S.N.

IN THE METROPOLITAN

COURT

-- VS --

STN#

Arrest Date 01/23/2019 Driver Lic#

Cilation # Arrest #:

Docket #: Date Filed:

190007654

CASE#

Height: 5' 05" Weight: 140 lbs Hair: Brown - BRO Eyes Brown - BRO

The undersigned, under penalty of perjury, complains and says that on or about 01/23/2019 . In the County/City of BERNALILLO/ABQ

DEBORAH

, State of New Mexico, the above named Defendant(s) did:

Contrary to Section 66-08-102(A)

NMSA 1978

Charge Code

4197

CRIME

DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR

87114

(Common name of Offense or Offenses)

Contrary to Section

8-2-1-23

Charge Code

CRIME

FAILURE TO KEEP PROPER LOOKOUT

(Common name of Offense or Offenses)

ON JANUARY 23, 2019 AT APPROXIMATELY 1957 HOURS I WAS DISPATCHED TO 2006 CANDELARIA RD NW IN RESPONSE TO A CRASH WHERE ONE OF THE DRIVER HAD ATTEMPTED TO DO A U-TURN AND DID NOT WATCH FOR OTHER CARS ON THE ROAD CAUSING A CRASH, REFERENCE CAD#190231329.

UPON ARRIVAL I MADE CONTACT WITH SGT.N.WHEELER(P3676) WHO STATED HE WAS THE FIRST TO ARRIVE ON SCENE AND TO MAKE CONTACT WITH BOTH DRIVERS INVOLVED IN THE CRASH, SGT. WHEELER SMELLED THE ODOR OF ALCOHOL EMITTING FROM THE DRIVER OF THE SUBARU, LATER IDENTIFIED AS DEBORAH WALKER. I WAS ALSO ADVISED THAT DEBORAH HAD BLOODSHOT WATERY EYES, SLURRED SPEECH BUT HAD NOT ADMITTED TO CONSUMING ANY ALCOHOLIC BEVERAGES.

I MADE CONTACT WITH DEBORAH AND ASKED HER IF SHE HAD ANY ALCOHOLIC BEVERAGES TO DRINK AND STATED SHE DID NOT. I IMMEDIATELY SMELLED A STRONG ODOR OF ALCOHOL EMITTING FROM HER FACIAL AREA AND SLURRED, THICK TONGUED SPEECH WHICH MADE IT DIFFICULT TO UNDERSTAND WHAT SHE WAS SAYING. I ASKED HER IF SHE HAD ANY MEDICAL CONDITIONS AND STATED, "NO". I ASKED DEBORAH TO WALK WITH ME AWAY FROM THE LOUD TOW TRUCK AND WALKED TO A MORE SECLUDED AREA TO CONDUCT STANDARDIZED FIELD SOBRIETY TESTS(SFST). I CONTINUED TO TALK TO DEBORAH A LITTLE MORE AND ASKED IF SHE HAD ANY MEDICAL CONDITIONS THAT WOULD KEEP HER FROM WALKING, BALANCING OR STANDING ON ONE LEG AND STATED SHE DID NOT. I ASKED HER IF SHE WORE CONTACTS OR GLASSES AND STATED SHE WORE CONTACTS WHICH SHE WAS WEARING. I ASKED HER IF HER CONTACTS WERE GLASS OR PLASTIC AND STATED THEY WERE PLASTIC.

I NOTICED DEBORAH WAS WEARING HEELS AND ASKED HER IF SHE FELT COMFORTABLE TO WEAR THEM DURING THE TESTS AND SHE ASKED TO REMOVE THEM. DEBORAH REMOVED HER SHOES. I ADMINISTERED THE FIELD SOBRIETY TESTS ON DEBORAH AND SHE PERFORMED POORLY ON ALL THREE FIELD SOBRIETY TESTS. I CHECKED HER MOUTH AND STARTED THE DEPRAVATION PERIOD THEN ADVISED HER SHE WAS UNDER ARREST FOR DWI. I PLACED HER IN HANDCUFFS, PROPERLY GAPPED, DOUBLE LOCKED AND ESCORTED HER TO MY PATROL UNIT WHERE I PLACED A SEAT BELT ON HER. I THEN TRANSPORTED HER TO THE PTC AND AFTER THE DEPRAVATION PERIOD ENDED I READ HER THE IMPLIED CONSENT ADVISORY AND SHE SUBMITTED TO A BREATH SAMPLE AT OR ABOVE 0.08G/210L OF BREATH.

DEBORAH WAS BOOKED AT THE PTC FOR DWI AND FAILURE TO KEEP A PROPER LOOKOUT.

T40W2019-182

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 FALSE STATEMENT IN A CRIMINAL COMPLAINT.

Complainant	11. 0.5
Name	ORTIZ, NELSON
Title(if any)	5730
Agency(if any)	ALBUQUERQUE POLICE DEPT
This complaint may not be filed without the prior payment of a filing fee, unless approved authorized to serve an Arrest or Search Warrant. Approval of the district attorney or a law	by the District Attorney or a law enforcement officer
Approved	1 / 3
DISTRICT A [As amended, approved by the Supreme Court of New Mexico, effective September 1, 19	ATTORNEY OR LAW ENFORCEMENT OFFICER 990; April 1, 1991; November 1, 1991.)
If Probable Cause Determination required:	
Probable Cause Found	
Probable Cause Not Found, and Defendant Released from Custody	
Judge	
Date	
Time	

[As amended, effective September 1, 1990; April 1, 1991; November 1, 1991; as amended by Supreme Court Order No.13-8300-020, effective for all cases pending or filed on or after December 31, 2013.]

010414070 2

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STATE OF NEW MEXICO JUDICIAL STANDARDS COMMISSION

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

January 24, 2019

RANDALL D. ROYBAL **Executive Director & General Counsel**

> PHYLLIS A. DOMINGUEZ Deputy Director

DEBORAH BORIO Senior Investigative Trial Counsel

CONFIDENTIAL

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Hon. Deborah Davis Walker C/O Briggs F. Cheney, Esq. Sheehan & Sheehan PA P.O. Box 271 Albuquerque, New Mexico 87103-0271

Re: Inquiry No. 2019-003, Notice of Preliminary Investigation

JAN 2 4 2019

STANDARDS COMMISSION

Dear Judge Walker:

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It has been alleged that on or about January 23, 2019, you were arrested and charged with Driving While Under the Influence of Intoxicating Liquor or Drug ("DWI") and Failure to Keep Proper Lookout. The criminal matter is styled T-4-DW-2019-000181, and is ongoing before the Bernalillo County Metropolitan Court.

Please provide the Commission with an explanation of this incident and the factual and legal basis 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,

yce Buston

Chair

Exhibit 2

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing was mailed on the Harday of January 2019 by certified mail, return receipt requested to:

Hon. Deborah Davis Walker C/O Briggs F. Cheney Sheehan & Sheehan PA P.O. Box 271 Albuquerque, New Mexico 87103-0271

> SHARIESSE T. MCCANNON CLERK OF THE COMMISSION