

IN THE SUPREME COURT
OF THE STATE OF NEW MEXICO

ORIGINAL

No. 31,920

INQUIRY CONCERNING A JUDGE
Inquiry No. 2008-094

IN THE MATTER OF HON. JOSEPH GUILLORY
Magistrate Court Judge, Dona Ana County, New Mexico

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

**MOTION TO ACCEPT STIPULATION TO
PERMANENT RESIGNATION FROM JUDICIAL OFFICE
IN LIEU OF FURTHER DISCIPLINARY PROCEEDINGS**

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The Judicial Standards Commission of the State of New Mexico ("Petitioner" or "Commission"), through the undersigned counsel, hereby moves the Supreme Court for an order approving the attached *Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings* in which Respondent, Hon. Joseph Guillory ("Respondent"), having previously resigned on August 24, 2009, agrees that his resignation shall permanent and he shall never again hold or seek judicial office in New Mexico in the future.

The Commission believes this stipulation agreement best serves the interests 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 N.M. Const. Art. VI, §32; the Court's power of superintending control under N.M. Const. Art. VI §3; and Rule 38 of the Judicial Standards Commission's Rules.

2. A *First Amended Motion to Revoke Probation* filed in the Commission in this Inquiry on August 5, 2010.

3. The Petitioner's inquiry and proceedings concerning Respondent in this matter have been ongoing.

4. On August 13, 2010, the Petitioner filed an *Emergency Verified Petition for Immediate Temporary Suspension*. On August 17, 2010, Petition filed a *Supplement to Emergency Verified Petition for Immediate Temporary Suspension*. Respondent never responded to the *Petition* or the *Supplement*.

5. On August 24, 2010, Respondent submitted a letter of resignation from judicial office to the Governor and this Court.

6. On August 25, 2010, this Court granted the *Petitioner's Emergency Verified Petition for Immediate Temporary Suspension* and suspended Respondent from judicial office without pay effective August 13, 2010. This Court further ordered that Respondent's resignation from office had no effect upon the proceedings pending before the Commission.

7. Upon a unanimous vote the Commission entered into a *Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings* with the Respondent on September 8, 2010 (attached hereto as **Exhibit 1**), which provides in pertinent part the following:

A. Respondent agrees his resignation shall be permanent. Respondent agrees that he 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.

B. Respondent agrees to submit a letter and any other required documents by September 7, 2010 to the New Mexico Secretary of State requesting that his name be removed from the ballot for the November 2010 election for Dona Ana County Magistrate Judge.

C. The Commission will file under seal with the New Mexico Supreme Court pursuant to Rule 27-104(B) NMRA 2010 a *Motion to Accept Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings*, attaching a copy of the Stipulation.

D. Upon granting the *Motion to Accept Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings*, the Supreme Court will unseal all portions of the Supreme Court file in this matter which have not been previously unsealed pursuant to Rule 27-104(B).

E. Upon execution of this *Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings* and acceptance

by the Supreme Court, the Commission will abate and close this matter (Inquiry No. 2008-094).

5. Upon Order from this Court, the attached *Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings* is enforceable by the Commission before the Supreme Court.

6. It is in the best interests of justice and integrity of the New Mexico Judiciary that the Supreme Court issue an order accepting Respondent Hon. Joseph Guillory's permanent Resignation from judicial office.

WHEREFORE, Petitioner respectfully requests this Court issue an order granting the Commission's Motion, enter an order approving the *Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings*, accepting Respondent Hon. Joseph Guillory's permanent Resignation from judicial office, and enter an order unsealing all documents filed in the Supreme Court in this case.

Respectfully submitted,

JUDICIAL STANDARDS COMMISSION



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was sent by
facsimile and by U.S. Postal Service, return receipt requested, on
this 9th day of September 2010, to Counsel for the Respondent:

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