

ORIGINAL  
FAXED  
3-15-11

IN THE SUPREME COURT  
OF THE STATE OF NEW MEXICO

No.

IN THE MATTER OF HON. JOHN SANCHEZ  
Magistrate Court, Mora County, New Mexico

INQUIRY CONCERNING HON. JOHN SANCHEZ  
Magistrate Court, Mora County, New Mexico

Inquiry Nos. 2009-070,  
2009-098 & 2010-024,  
2010-076

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

PETITION FOR DISCIPLINE UPON STIPULATION

JUDICIAL STANDARDS COMMISSION  
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HON. JOHN SANCHEZ  
Mora County Magistrate Court  
P.O. Box 131  
Mora, NM 87732  
(575) 387-2937

RANDALL D. ROYBAL  
*Executive Director & General Counsel*

*Respondent*

ROBIN S. HAMMER  
*Senior Investigative Trial Counsel*

*Counsel for Petitioner*

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Inquiry Nos. 2009-070,  
2009-098 & 2010-024,  
2010-076

**PETITION FOR DISCIPLINE UPON STIPULATION**

1. Petitioner Judicial Standards Commission (“hereinafter Commission”), upon a unanimous vote of its members and pursuant to a stipulation between the parties, hereby files this *Petition for Discipline Upon Stipulation* under seal pursuant to Rule 27-104(B) NMRA.

2. Jurisdiction is invoked pursuant to the Petitioner’s power to recommend judicial discipline and the Supreme Court’s power to discipline judges under N.M. Const. art. VI, § 32, as amended, and the Court’s power of superintending control under N.M. Const. art. VI, § 3.

3. The Commission and Respondent stipulate to the following discipline in this matter:

- A. **Twelve-Month Supervised Probation and Formal Mentorship.** Respondent agrees to complete a twelve-month supervised probation and formal mentorship. The Commission shall recommend the probation supervisor/mentor, for consideration and appointment by the Supreme Court. The probation supervisor/mentor shall report on the progress and outcome of the mentorship to the Supreme Court and the Commission.
- B. **Complete a Course from the National Judicial College.** Respondent agrees to attend all sections and complete a course approved by the Commission from the National Judicial College. Respondent agrees that he will not teach any portion of the approved course from the National Judicial College. Respondent shall pay all costs, including travel and tuition associated with attending and completing this course at the National Judicial College.
- C. **Formal Reprimand.** Respondent shall receive a formal reprimand from the Supreme Court concerning the conduct admitted in the *Stipulation Agreement and Consent to Discipline*. The Commission requests that the formal reprimand not be published in the *Bar Bulletin*.
- D. Respondent agrees to abide by all terms of this Stipulation Agreement and Consent to Discipline.
- E. Respondent and the Judicial Standards Commission will bear their own costs and expenses in this matter.

4. The factual record and the grounds for disciplining the Respondent are set forth completely in the *Amended Stipulation Agreement and Consent to Discipline*,

attached as **Exhibit 1** and incorporated by reference herein. Following is a brief and plain statement of the allegations to which Respondent has admitted:

- A. Respondent failed to recuse himself prior to making rulings in a criminal case with his nephew, Daryl Sanchez, in *State v. Daryl Sanchez, MR-37-2009-0110*. Respondent arraigned his nephew in the case. Respondent set conditions of release of an unsecured appearance bond. Respondent altered the standard conditions of release and ordered that this nephew be allowed to leave the county of Mora during the pendency of his case.
- B. Respondent ordered and signed an order appointing the Public Defender Department to represent his nephew in *State v. Daryl Sanchez, MR-37-2009-0110*, even though his nephew was not indigent and did not qualify for Public Defender representation based on income.

5. Respondent's admitted conduct set forth in paragraph 1(A) above violates the following Canons of the Code of Judicial Conduct: Canons 21-100 NMRA 1995; and 21-200(A) and (B) NMRA 1995; and 21-300(A), (B)(2), (B)(5), (B)(7), and (B)(8) NMRA 2009; and 21-400(A)(1) and (A)(5)(a) NMRA 2004.

6. Respondent has agreed that his admitted conduct as set forth above constitutes willful misconduct in office and provides sufficient basis for the New Mexico Supreme Court to impose the stipulated discipline.

7. Upon successful completion of the terms of the stipulation and the anticipated disciplinary order from the Supreme Court, the Commission will close Commission Inquiry Numbers 2009-070, 2009-098, 2010-024 and 2010-076.

8. The parties reached this recommendation after consideration of a variety of factors. The Respondent has agreed to accept full responsibility for his actions. The Respondent has expressed that he has a desire to correct any past problems, and that he would endeavor to abide by the Code of Judicial Conduct in the future.


9. Balancing these issues, the Commission has concluded a twelve-month mentorship, completion of a course from the National Judicial College, and a formal reprimand are appropriate discipline in this case.

10. Petitioner also respectfully requests that upon this Petition being granted, the Court unseal the file in this matter pursuant to 27-104(B) NMRA 2009.

WHEREFORE, Petitioner Judicial Standards Commission respectfully requests that the Supreme Court accept its disciplinary recommendation, order discipline for the Respondent as set forth above, and unseal this matter.

Respectfully submitted,


JUDICIAL STANDARDS COMMISSION

  
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RANDALL D. ROYBAL  
ROBIN S. HAMMER  
Post Office Box 27248  
Albuquerque, NM 87125-7248  
(505) 222-9353

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed  
via first class mail on this 15<sup>th</sup> day of March, 2011, to the following:

*HON. JOHN SANCHEZ  
Mora County Magistrate Court  
P.O. Box 131  
Mora, NM 87732  
(575) 387-9081*

  
\_\_\_\_\_  
RANDALL D. ROYBAL