

IN THE SUPREME COURT
OF THE STATE OF NEW MEXICO

 ORIGINAL

No. 32,334

IN THE MATTER OF VICTORIA J. GRANT,
Metropolitan Court Judge, Bernalillo County, New Mexico

INQUIRY CONCERNING A JUDGE
Inquiry Nos. 2010-035 through 2010-055

 FAXED
1:52
574-10
[Signature]

MOTION TO ACCEPT STIPULATION TO
PERMANENT RETIREMENT FROM JUDICIAL OFFICE
EFFECTIVE MAY 17, 2010 IN LIEU OF
FURTHER DISCIPLINARY PROCEEDINGS

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

KENNEDY & HAN, P.C.
PAUL J. KENNEDY
MARY Y.C. HAN
201 12th Street, NW
Albuquerque, NM 87102
(505) 842-8662

RANDALL D. ROYBAL
Executive Director & General Counsel

Counsel for Respondent

ROBIN S. HAMMER
Senior Investigative Trial Counsel

Counsel for Petitioner

IN THE SUPREME COURT
OF THE STATE OF NEW MEXICO

No. 32,334

IN THE MATTER OF VICTORIA J. GRANT,
Metropolitan Court Judge, Bernalillo County, New Mexico

INQUIRY CONCERNING A JUDGE
Inquiry Nos. 2010-035 through 2010-055

**MOTION TO ACCEPT STIPULATION TO
PERMANENT RETIREMENT FROM JUDICIAL OFFICE
EFFECTIVE MAY 17, 2010 IN LIEU
OF FURTHER DISCIPLINARY PROCEEDINGS**

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 Retirement from Judicial Office in Lieu of Further Disciplinary Proceedings* in which Respondent, Hon. Victoria J. Grant, agrees to permanently retire effective at the close of business on May 17, 2010. The Respondent further agrees to never again hold 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. On April 16, 2010, the Commission filed and issued a *Notice of Preliminary Investigation* ("NPI") to Respondent in Inquiry Numbers 2010-035 through 2010-055, which was responded to on May 3, 2010. On May 5, 2010, the Commission filed and issued a *Notice of Formal Proceedings* to Respondent. The Respondent's response is due on May 20, 2010.

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

4. Upon a unanimous vote the Commission entered into a *Stipulation to Permanent Retirement from Judicial Office in Lieu of Further Disciplinary Proceedings* with the Respondent on May 14, 2010 (attached hereto as **Exhibit 1**), which provides in pertinent part the following:

A. Respondent agrees to permanently retire as judge of the Metropolitan Court effective at the close of business on May 17, 2010. Upon acceptance of this stipulation by the New Mexico Supreme Court, Respondent shall submit duplicate original letters of retirement to the Chief Justice of the New Mexico Supreme Court and to the Governor. Respondent shall concurrently provide a copy of the retirement letter to the 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.

- B. 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 Retirement from Judicial Office in Lieu of Further Disciplinary Proceedings*, attaching a copy of the Stipulation.
- C. Upon granting the *Motion to Accept Stipulation to Permanent Retirement from Judicial Office in Lieu of Further Disciplinary Proceedings*, the Supreme Court will unseal the entire Supreme Court file in this matter pursuant to Rule 27-104(B).
- D. Upon execution of this *Stipulation to Permanent Retirement from Judicial Office in Lieu of Further Disciplinary Proceedings* and acceptance by the Supreme Court, the Commission will abate and close this matter (Inquiry Nos. 2010-035 through 2010-055).
5. Upon Order from this Court, the attached *Stipulation to Permanent Retirement 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. Victoria J. Grant's permanent retirement from judicial office.

WHEREFORE, Petitioner respectfully requests this Court issue an order granting the Commission's Motion, enter an order granting this *Motion to Accept Stipulation to Permanent Retirement from Judicial Office Effective May 17, 2010 in Lieu of Further Disciplinary Proceedings*, accepting Respondent Hon. Victoria J. Grant's permanent retirement from judicial office, and unsealing all documents filed in the Supreme Court in this case.

Respectfully submitted,

JUDICIAL STANDARDS COMMISSION



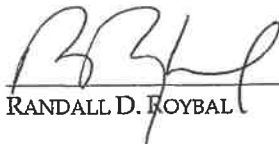
RANDALL D. ROYBAL
ROBIN S. HAMMER
Post Office Box 27248
Albuquerque, NM 87125-7248
TEL (505) 222-9353

Counsel for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was sent by facsimile and by mail on this 14th day of May 2010, to Counsel for the Respondent:

*Paul Kennedy, Esq.
Mary Han, Esq.
Kennedy & Han, P.C.
201 12th Street NW
Albuquerque, New Mexico 87102-1815
Facsimile: 505-842-0653*



RANDALL D. FOYBAL