

IN THE SUPREME COURT
OF THE STATE OF NEW MEXICO

ORIGINAL

No. 29,508

FAXED

11-1-10

IN THE MATTER OF HON. JAMES LOCATELLI,
Municipal Court, Las Cruces, New Mexico

INQUIRY CONCERNING HON. JAMES LOCATELLI
Inquiry Nos. 2010-010, 2010-017, 2010-119, 2010-133, 2010-135, 2010-144

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

**MOTION TO ACCEPT STIPULATION TO
PERMANENT RESIGNATION FROM JUDICIAL OFFICE
EFFECTIVE NOVEMBER 20, 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 Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings* in which Respondent, Hon. James Locatelli agrees to permanently resign effective at 5 p.m. on November 20, 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 JSC Rule 38, NMRA 1993 and NMRA 2010.

2. In Inquiry 2010-010, on June 25, 2010, the Commission filed and issued a *Notice of Preliminary Investigation* ("NPI") to Respondent, which he responded to on July 8, 2010; on August 25, 2010, the Commission filed and issued a *Notice of Formal Proceedings* to Respondent, which he responded to on September 3, 2010. In Inquiry 2010-017, on February 22, 2010, the Commission filed and issued a *Notice of Preliminary Investigation* ("NPI") to Respondent, which he responded to on March 10, 2010; on April 22, 2010, the Commission filed and issued a *Notice of Formal Proceedings* to Respondent, which he responded to on April 29, 2010. In Inquiry 2010-119, on August 25, 2010, the Commission filed and issued a *Notice of Preliminary Investigation* ("NPI") to Respondent, which he responded to on September 17, 2010; on October 4, 2010, the Commission filed and issued a *Notice of Formal Proceedings* to Respondent, which he responded to on October 12, 2010. In Inquiry 2010-135, on October 4, 2010, the Commission filed and issued a *Notice of*

Formal Proceedings to Respondent, which he responded to on October 12, 2010. In Inquiry 2010-144, the Commission received a verified complaint on September 22, 2010; the Commission has not taken further action in this matter and has agreed to abate and close this Inquiry as part of the Stipulation. The Commission's inquiry and proceedings concerning Respondent in this matter have been ongoing.

3. 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 November 1, 2010 (attached hereto as **Exhibit 1**), which provides in pertinent part the following:

A. Respondent agrees to permanently resign as judge of the Las Cruces Municipal Court effective at 5 p.m. on November 20, 2010. Upon acceptance of this stipulation by the New Mexico Supreme Court, Respondent shall submit duplicate original letters of resignation to the Chief Justice of the New Mexico Supreme Court and to the Mayor and City Council of Las Cruces, New Mexico. Respondent shall concurrently provide a copy of the resignation letter to the Commission. Upon resignation, respondent shall never again hold, become a candidate for, run for, or stand for election

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 Resignation 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 Resignation 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 Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings* and acceptance by the Supreme Court, the Commission will abate and close all pending

matters before the Commission, Inquiry Nos. 2010-010, 2010-017, 2010-119, 2010-133, 2010-135, and 2010-144.

4. 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.

5. 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. James Locatelli'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 Effective November 1, 2010 in Lieu of Further Disciplinary Proceedings*, accepting Respondent Hon. James Locatelli'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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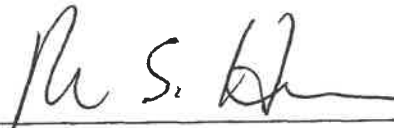
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Counsel for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was sent by e-mail and
by first class mail on this 1st day of November 2010, to the Respondent:

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