

1 IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

2 October 19, 2011

3 NO. 33,228

4 INQUIRY CONCERNING A JUDGE

5 NO. 2011-020

6 IN THE MATTER OF HON. KENT WINGENROTH
7 Doña County Magistrate Court, Las Cruces, New Mexico

8 PUBLIC CENSURE

9 WHEREAS, between January through February 2010, respondent
10 personally participated in the solicitation of funds or other prohibited fund-
11 raising activities for the Super Bowl Golf 4 Baseball Tournament, a benefit
12 for the Las Cruces and Oñate High School baseball programs. Respondent
13 used the prestige of judicial office for fund-raising and/or created the
14 appearance that he had done so;
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16 Respondent's admitted conduct violated the following Canons of the
17 code of Judicial Conduct: 21-100; 21-200 (A) and (B); and 21-500
18 (C)(3)(b)(i) and (ii) NMRA;
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20 WHEREAS, on or about or between January through February 2011,
21 respondent personally participated in the solicitation of funds or other
22 prohibited fund-raising activities for Super Bowl Golf 4 Baseball
23 Tournament, a benefit for the Las Cruces and Oñate High School baseball
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ATTEST: A TRUE COPY.

[Signature]
Clerk of the Supreme Court
of the State of New Mexico

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1 programs. Respondent used the prestige of judicial office for fund-raising
2 and/or created the appearance that he had done so.

3 Respondent's admitted conduct violated the following Canons of the
4 code of Judicial Conduct: 21-100; 21-200 (A) and (B), and 21-500
5 (C)(3)(b)(i) and (ii) NMRA;
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7 WHEREAS, on or about February 6, 2011, following the Super Bowl
8 Golf 4 Baseball Tournament, a juvenile probation officer was arrested for
9 driving while intoxicated by the New Mexico State Police. Even though
10 Respondent was not the designated on-call Las Cruces magistrate Judge for
11 February 2011, the State Police Dispatch erroneously informed the State
12 Police Officer that respondent was the on-call judge. The Officer called
13 respondent to request judicial authority to release defendant on his own
14 recognizance. Respondent admitted to the Officer that he knew the
15 defendant. Respondent admitted that he had been at the golf tournament
16 earlier in the day with the defendant, at which respondent knew there were
17 people drinking alcoholic beverages, and therefore, respondent was a
18 potential witness in the criminal case. Respondent made a judicial ruling in
19 this case in which he was a potential witness;
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25 Respondent's admitted conduct violates the following Canons of the
26 Code of Judicial Conduct: 21-100; 21-200(A) and (B); 21-300(A), (B)(1),
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1 (B)(2), (B)(5), and (B)(8); 21-400(A)(1); and 21-500(A)(1-4) NMRA;

2 WHEREAS, on or about February 6, 2011, defendant's wife telephone
3 respondent's wife while respondent's wife was at home. Defendant's wife
4 wanted to discuss defendant's arrest for driving while intoxicated. Defendant
5 and/or his wife knew respondent's family well enough to call respondent's
6 wife at home in an attempt to influence respondent. Respondent agreed to
7 release defendant even though he was not on-call or assigned to handle the
8 matters. Respondent took judicial action in defendant's case when
9 respondent's home has received telephone calls from defendant's family prior
10 to respondent's action.
11

12 Respondent's admitted conduct violated the following Canons of the
13 Code of Judicial Conduct: 21-100; 21-200(A) and (B); 21-300 (A), (B)(1),
14 (B)(2), (B)(5), and (B)(8); 21-400 (A)(1); and 21-500 (A)(1-4) NMRA;
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16 WHEREAS, respondent agreed that his admitted conduct constitutes
17 willful misconduct in office and provides sufficient basis for this Court to
18 impose discipline against Respondent pursuant to Article VI, Section 32 of
19 the New Mexico Constitution.
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21 NOW, THEREFORE, IT IS ORDERED that respondent shall be
22 disciplined as follows:
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- 24 1. Respondent shall accept a public censure from this Court
25 concerning the conduct admitted in the Stipulation Agreement
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and Consent to Discipline;

2. Respondent agrees to participate in a twelve-month (12) supervised probation and formal mentorship. The probation supervisor/mentor shall report on the progress and outcome of the mentorship to this Court and to the Commission;

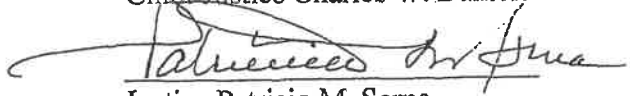
3. Respondent agrees to abide by all terms of the Stipulation Agreement and Consent to Discipline; and

4. Respondent and the Judicial Standards Commission shall bear their own costs and expenses in this matter.

DATED this 19th day of October, 2011.



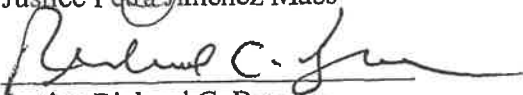
Chief Justice Charles W. Daniels



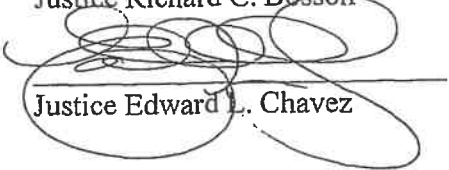
Justice Patricio M. Serna



Justice Petra Jimenez Maes



Justice Richard C. Bosson



Justice Edward L. Chavez