


Joey D. Moya

IN THE SUPREME COURT
OF THE STATE OF NEW MEXICO

No.

IN THE MATTER OF HON. ANDRES GOMEZ
Santa Clara Municipal Court

INQUIRY CONCERNING HON. ANDRES GOMEZ
JSC Inquiry No. 2020-016

S-1-SC-38678

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

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

JUDICIAL STANDARDS COMMISSION HON. ANDRES GOMEZ

6200 Uptown Blvd., NE, Suite 320
Albuquerque, NM 87110-4159
(505) 222-9353

P.O. Box 71
Santa Clara, NM 88026
(575) 313-5830

RANDALL D. ROYBAL
Executive Director & General Counsel

Respondent

CHANCE A. GAUTHIER
Investigative Trial Counsel

Counsel for Petitioner

IN THE SUPREME COURT
OF THE STATE OF NEW MEXICO

No.

IN THE MATTER OF HON. ANDRES GOMEZ
Santa Clara Municipal Court

INQUIRY CONCERNING HON. ANDRES GOMEZ
JSC Inquiry No. 2020-016

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

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

The Judicial Standards Commission of the State of New Mexico (“Commission”), through the undersigned counsel, hereby respectfully petitions the Supreme Court for an order approving the attached *Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings* (“*Stipulation*”), attached hereto as Exhibit 1, in which Hon. Andres Gomez (“Respondent”), has elected to permanently resign from judicial office effective January 29, 2021.

The Commission further requests that the Supreme Court unseal the file in this matter, pursuant to Rule 27-104(B) NMRA.

The Commission believes the *Stipulation* agreement best serves the interests of justice and the integrity of the New Mexico judiciary, and as further grounds for this petition states:

1. The Commission invokes its jurisdiction pursuant to the Commission's power to recommend the discipline of judges, and the Supreme Court's power to discipline judges under Article VI, Section 32 of the New Mexico Constitution; the Court's power of superintending control under Article VI, Section 3 of the New Mexico Constitution; and Rule 36 of the Judicial Standards Commission's Rules.

2. This matter is currently pending before the Commission pursuant to a *Notice of Formal Proceedings* issued to Respondent on December 29, 2020 in Inquiry No. 2020-016 (**See Exhibit A to Exhibit 1**).

3. The Commission issued a *Notice of Investigation* to Respondent on July 01, 2020 (**See Exhibit B to Exhibit 1**), and Respondent's response to the *Notice of Investigation* was filed on July 22, 2020 (**See Exhibit C to Exhibit 1**).

4. Pursuant to Commission Rule 19, NMRA 2020, and following the Commission's receipt and review of Respondent's written response to the *Notice of Investigation*, the Commission invited Respondent to participate in an informal confidential conference with the Commission on December 7, 2020 by Zoom video conferencing. The conference afforded Respondent an opportunity to discuss and explain his response to the *Notice of Investigation* in person and provided the Commission an opportunity to ask Respondent questions and further discuss the pending allegations and Respondent's response to assist in determining the appropriate course of action.

5. After full consideration of Respondent's written response and the information he provided verbally at the informal confidential conference, the Commission issued a *Notice of Formal Proceedings* to Respondent and set the matter for a hearing on the merits.

6. After learning that a *Notice of Formal Proceedings* was issued, Respondent requested that this matter be resolved now by entering into a *Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings* ("Stipulation") with the Commission whereby Respondent would resign permanently from judicial office and never again

seek judicial office in New Mexico. Respondent has expressed that his decision to permanently resign is based upon the fact that he would be avoiding further disciplinary proceedings before the Commission, in addition to plans to move out of his municipal jurisdiction of Santa Clara to care for his mother.

7. The Commission agreed that Respondent's request for permanent resignation in lieu of further disciplinary proceedings should be granted and entered into the *Stipulation* whereby the Commission shall close Inquiry No. 2020-016 upon approval and order of Respondent's permanent resignation by the Supreme Court.

8. Respondent understood and acknowledged that, based upon the *Stipulation*, his resignation is permanent, and if he seeks judicial office in the future, the Commission will act to enforce the agreement, to find contempt, and/or to pursue other proper remedy. Respondent understood and acknowledged the *Stipulation* as an equitable remedy that best serves the interests of justice and has voluntarily agreed to permanent resignation. Respondent understood and acknowledged that a violation of the terms of the *Stipulation* such as by running for or holding judicial office in New Mexico in the future after agreeing to permanently resign, prejudices the

Commission's ability to effectively adjudicate a case that is stale, where witnesses may have disappeared, whose memories may have faded, or who may not wish to proceed in the matter after several years have passed.

9. The resolution of this matter through Respondent's voluntary permanent resignation ensures finality for the Commission, Respondent and witnesses and allows them to rely upon the binding *Stipulation* and Court orders.

10. The *Stipulation* is an equitable remedy that complies with Respondent's request to resign in lieu of further disciplinary proceedings, ensures the public's continued confidence and trust in the judiciary, and provides for judicial economy and best serves the interests of justice and the judiciary.

11. Following a vote of the Commissioners, the Commission entered into a *Stipulation* with the Respondent on February 4, 2021, which provides in pertinent part the following:

A. Respondent agrees to permanent resignation from judicial office effective January 29, 2021.

B. Respondent shall never again hold, become a candidate for, run for, or stand for election to any New Mexico judicial office in the future

C. 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 probate court, municipal court, magistrate court, metropolitan court, district court, Court of Appeals, and justice of the Supreme Court.

D. Respondent shall never again hold or exercise any judicial authority in the State of New Mexico including the judicial authority to officiate at weddings.

12. Upon order from this Court, the attached *Stipulation* is enforceable by the Commission before the Supreme Court.

13. It is in the best interests of justice and integrity of the New Mexico judiciary that the Supreme Court grants the Commission's *Petition to Accept Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings*.

WHEREFORE, Petitioner respectfully requests this Court issue an order granting the Commission's *Petition to Accept Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings*, approving the *Stipulation*, and ordering that the resignation from judicial office of Respondent Hon. Andres Gomez be made permanent effective January 29, 2021. The Commission further requests that this order unseal

all documents filed with the Supreme Court in this matter pursuant to Rule 27-104(B) NMRA.

Respectfully submitted,

JUDICIAL STANDARDS COMMISSION



RANDALL D. ROYBAL,
Executive Director & General Counsel

CHANCE A. GAUTHIER,
Investigative Trial Counsel
6200 Uptown Blvd. NE, Suite 320
Albuquerque, NM 87110-4159
Telephone: (505) 222-9353

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was filed and served via mail on this 12th day of February 2021 to the following:

Honorable Andres Gomez
P.O. Box 71
Santa Clara, NM 88026



CHANCE A. GAUTHIER

BEFORE THE JUDICIAL STANDARDS COMMISSION
STATE OF NEW MEXICO

FILED

EB

INQUIRY CONCERNING HON. ANDRES GOMEZ
Santa Clara Municipal Court

FEB 04 2021

Inquiry No. 2020-016

NM JUDICIAL
STANDARDS COMMISSION

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

THIS MATTER is currently pending before the Judicial Standards Commission ("Commission") pursuant to the *Notice of Formal Proceedings* issued to Hon. Andres Gomez ("Respondent") on December 29, 2020 in Inquiry No. 2020-016 (*See Exhibit A*).

This *Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary Proceedings* ("*Stipulation*") is entered into by and between the Commission and the Respondent who is not represented by an attorney in this matter but instead has chosen to represent himself.

The Commission issued a *Notice of Investigation* to Respondent on July 1, 2020 (*See Exhibit B*), and Respondent's *Response to the Notice of Investigation* was filed on July 22, 2020 (*See Exhibit C*). Pursuant to Commission Rule 19, NMRA 2020, and following the Commission's receipt and review of Respondent's written response to the *Notice of Investigation*, the Commission invited Respondent to participate in an informal confidential conference with the Commission on December 7, 2020 by Zoom Video Conferencing. The conference afforded Respondent an opportunity to discuss and explain his response to the *Notice of Investigation* in person and provided the Commission an opportunity to ask Respondent questions about the pending allegations and Respondent's response to assist in determining the appropriate course of action.

Exhibit
1

After full consideration of Respondent's written response and the information he provided verbally at the informal conference, the Commission issued a *Notice of Formal Proceedings* to Respondent and set the matter for a hearing on the merits.

On December 28, 2020 Respondent contacted staff for the Commission and expressed his voluntary intention to resign in lieu of further disciplinary proceedings.

It is Respondent's choice and intention to dispose of the charges alleged in the pending *Notice of Formal Proceedings* by entering into this stipulation agreement with the Commission where Respondent agrees to resign permanently from his office and never again seek judicial office in New Mexico in lieu of further disciplinary proceedings.

The Commission agrees that a stipulation for the permanent resignation of Respondent in lieu of further disciplinary proceedings is in the best interests of justice and enters this *Stipulation* whereby the Commission shall close Inquiry No. 2020-016 upon the New Mexico Supreme Court issuing an order accepting this *Stipulation* and Respondent's permanent resignation.

Respondent understands and acknowledges that, based upon this *Stipulation*, his resignation is permanent, and if he seeks judicial office in the future, the Commission will take action to enforce the agreement, to find contempt, and/or to pursue other proper remedy(ies). Respondent understands and acknowledges this *Stipulation* is as an equitable remedy that best serves the interests of justice and has voluntarily agreed to permanently resign. Respondent understands and acknowledges that a violation of the terms of this *Stipulation* such as by running for or holding judicial office in New Mexico in the future after agreeing to permanently resign, prejudices the Commission's ability to effectively adjudicate a case that is stale, where witnesses may have disappeared, whose memories may have faded, or who may not wish to proceed in the matter after several years have passed.

In consideration of the foregoing, the parties hereby enter into the following agreement:

1. The Commission has jurisdiction over Respondent and the above-captioned and numbered matter pursuant to Article VI, Section 32 of the Constitution of the State of New Mexico; NMSA 1978, Sections 34-10-1 through 34-10-4; and, the Judicial Standards Commission Rules.

2. Respondent agrees to permanently resign as judge of the Santa Clara Municipal Court effective on or before 5:00 p.m. on Friday, January 29, 2021. Grounds for this *Stipulation* include charges stated in the *Notice of Formal Proceedings* attached hereto as **Exhibit A** and Respondent's decision to resign and never again seek judicial office due to avoid further disciplinary proceedings before the Commission. Upon acceptance of this *Stipulation* by the Court, Respondent shall permanently resign by submitting duplicate original letters of resignation addressed to the Chief Justice of the New Mexico Supreme Court, Mayor of Santa Clara and to the Governor of the State of New Mexico, with a copy to the Judicial Standards Commission.

3. Upon resignation, 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 probate court, municipal court, magistrate court, metropolitan court, district court, Court of Appeals, and justice of the Supreme Court. Respondent shall never again hold or exercise any judicial authority in the State of New Mexico, including the judicial authority to officiate at weddings.

4. Pursuant to Rule 27-104(B) NMRA, the Commission will file under seal a *Petition to Accept Stipulation to Permanent Resignation from Judicial Office in Lieu of Further Disciplinary*

Proceedings (“Petition”) with the New Mexico Supreme Court. A copy of this *Stipulation* will be attached as Exhibit 1 to the *Petition*.

5. Upon granting the *Petition* and pursuant to the plain language of Supreme Court Rule 27-104(B), the Court should unseal the *Petition* and its file in this matter.

6. Respondent requests the *Petition* remain sealed.

7. Upon execution of this *Stipulation* and acceptance by the Court, the Commission will abate and close the matter pending against Respondent before the Commission (Inquiry No. 2020-016).

8. This *Stipulation* is specifically enforceable by the Commission before the Supreme Court.

9. Respondent acknowledges that upon execution of this *Stipulation*, Respondent gives up all motions, defenses, objections, or requests that the Respondent has made or raised, or could assert hereafter, in or concerning the Commission’s proceedings.

10. Respondent shall not make any public misrepresentations concerning this inquiry, the facts and circumstances of Respondent’s permanent resignation, the Commission’s proceedings, or the disposition.

11. The Commission and Respondent shall take all actions necessary to carry out and fulfill the terms and conditions of this *Stipulation*.

12. This document is not enforceable unless fully executed by all parties.

13. If Respondent violates any terms or provisions of this executed *Stipulation*, Respondent agrees that all charges in the *Notice of Formal Proceedings* issued in Inquiry No. 2020-016, shall be deemed admitted by the Respondent, will be used against Respondent in future

proceedings before the Commission and the Court and may constitute obstruction of Commission business and contempt.

14. The terms and conditions contained in this *Stipulation* are mutually acceptable to and agreed upon by all parties.

15. All parties have read and understand this *Stipulation*, and hereby freely and voluntarily enter into this *Stipulation* free of any threats, and free of any promises not contained herein.

RESPONDENT'S REVIEW AND APPROVAL

I have read and understand this *Stipulation*. I understand that by entering into this *Stipulation*, I will be giving up my rights to a formal hearing on the merits and to confront, cross-examine and compel the attendance of witnesses regarding these issues.


I know, understand, and agree that the provisions of this *Stipulation* are material to the Commission's deliberations and ultimate acceptance of it. I also understand and agree that by entering into this *Stipulation*, I am agreeing to never again hold judicial office or exercise judicial authority under any circumstances as defined in this agreement, and that if I do hold any judicial office or exercise judicial authority at any point in the future, I will be in violation of this *Stipulation* and I could be held in contempt of the Commission and the Court. I further understand that if I violate any provision of this *Stipulation* in any other manner, I agree, acknowledge, and accept that all charges lodged against me in the *Notice of Formal Proceedings* issued to me are admitted by me as fact, and that the Commission shall re-initiate the matter pending before the Court and/or the Commission at the time this *Stipulation* was executed.


HON. ANDRES GOMEZ
Respondent

Dated: 2-1-2021

INVESTIGATIVE TRIAL COUNSEL'S REVIEW AND APPROVAL

I have reviewed this *Stipulation* and find that it is appropriate and in the best interest of justice. I hereby recommend that the Judicial Standards Commission accept and approve this *Stipulation*.

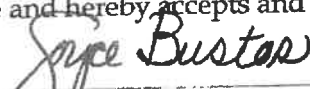


CHANCE A. GAUTHIER
Investigative Trial Counsel

Dated: 02/04/2021

JUDICIAL STANDARDS COMMISSION'S REVIEW & APPROVAL

The Commission has reviewed this *Stipulation* and finds that it is in the best interest of justice and hereby accepts and approves this *Stipulation*.



JOYCE BUSTOS
Chair

Dated: 2-4-2021



RANDALL D. ROYBAL
Executive Director & General Counsel

Dated: February 4, 2021

BEFORE THE JUDICIAL STANDARDS COMMISSION
OF THE STATE OF NEW MEXICO

FILED

INQUIRY CONCERNING HON. ANDRES GOMEZ
Santa Clara Municipal Court

DEC 29 2020



Inquiry No. 2020-016

**NM JUDICIAL
STANDARDS COMMISSION**

NOTICE OF FORMAL PROCEEDINGS

TO: Hon. Andres Gomez
Santa Clara Municipal Court
P.O. Box 316
Santa Clara, NM 88026

YOU ARE HEREBY NOTIFIED that the Judicial Standards Commission, in accordance with its jurisdiction under Article VI, Section 32 of the New Mexico Constitution and pursuant to Rule 15 of the Judicial Standards Commission Rules, has instituted formal proceedings on the charges set forth below.

COUNT 1

On or about October 26, 2019 you were driving to a hunt when you spotted a deer from your vehicle. You quickly stopped and exited your vehicle, you grabbed your rifle and illegally shot at artificial wildlife from the road contrary to NMSA Sections 17-2-2.1, 17-2-7 and NMAC 19.31.10.11B. Such conduct violates the Code of Judicial Conduct Rules 21-101, 21-102, and 21-301 NMRA and constitutes willful misconduct in office.

Exhibit
A

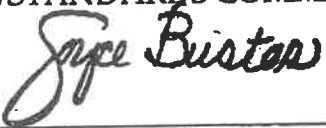
PLEASE BE ADVISED that in accordance with Rule 16 of the Judicial Standards Commission Rules, you shall file a written answer to this notice within twenty-one (21) days of its service upon you. Your answer shall be filed with:

*Clerk of the Commission
Judicial Standards Commission
6200 Uptown Blvd. NE, Suite 320
Albuquerque, NM 87110-4159*

Your answer should be legible. Article VI, Section 32 of the New Mexico Constitution provides that all papers filed with and proceedings before the Judicial Standards Commission are confidential, except that any record filed by the Commission in the New Mexico Supreme Court continues privileged but, upon its filing, loses its confidential character, and a writing which was privileged prior to filing with the Commission or its masters does not lose its privilege by the filing.

JUDICIAL STANDARDS COMMISSION

BY: _____


Joyce E. Bustos, Chair
6200 Uptown Blvd. NE, Suite 320
Albuquerque, NM 87110-4159
(505) 222-9353

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was sent on this 29th day of
December 2020 to the following:

Hon. Andres Gomez
Gboyzbeefjerky@gmail.com

Shariesse T. McCannon

SHARIESSE T. MCCANNON
CLERK OF THE COMMISSION



**STATE OF NEW MEXICO
JUDICIAL STANDARDS COMMISSION**

111 LOMAS BLVD. NW, SUITE 220
ALBUQUERQUE, NEW MEXICO 87102-2368
(505) 222-9353
WWW.NMJSC.ORG

FILED

RANDALL D. ROYBAL
Executive Director & General Counsel

PHYLLIS A. DOMINGUEZ
Deputy Director

CHANCE A. GAUTHIER
Investigative Trial Counsel

JUL 01 2020

NM JUDICIAL

June 30, 2020 **STANDARDS COMMISSION**

CONFIDENTIAL

CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

Hon. Andres Gomez
Santa Clara Municipal Court
P.O. Box 316
Santa Clara, NM 88026

Re: Inquiry No. 2020-016; Notice of Investigation

Dear Judge Gomez:

You are hereby notified that the above-referenced matter came before the Judicial Standards Commission on a verified, third party complaint; a complaint docketed by the Commission's General Counsel; or upon the Commission's own motion. As part of an investigation pursuant to Rules 15(B) and (C) of the Judicial Standards Commission Rules (NMRA), the Commission requires that you provide a written explanation as to the matter discussed below.

It has been alleged before the Commission that:

You illegally shot at artificial wildlife from the road on or about October 26, 2019, contrary to NMSA Sections 17-2-2.1 and 17-2-7. If true, such conduct may violate Rules 21-101, 21-102, and 21-301 of the Code of Judicial Conduct.

NMSA Sections 17-2-2.1 and 17-2-7 make it unlawful to shoot at artificial wildlife at, across, or from a roadway.

NMRA Rule 21-101 requires "A Judge shall respect and comply with the law, including the Code of Judicial Conduct."

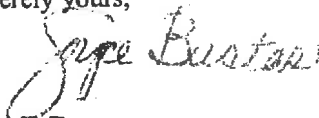
NMRA Rule 21-102 requires "A Judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety."

NMRA Rule 21-301 sets limits on a Judge's extrajudicial conduct. Rule 21-301(C) prevents a Judge from engaging in conduct that would appear to a reasonable person to undermine the Judge's independence, integrity, or impartiality.

Exhibit
B

Please provide the Commission with an explanation for your actions and the factual and legal bases for such conduct. Your response to this notice must be submitted in writing and must include an explanation and disclosure of all pertinent facts, along with any relevant documents or materials you wish the Commission to consider regarding the matter outlined herein. Pursuant to Rule 16(B) of the Judicial Standards Commission Rules (NMRA), the Commission must receive your response within twenty-one (21) days of your receipt of this notice.

Sincerely yours,

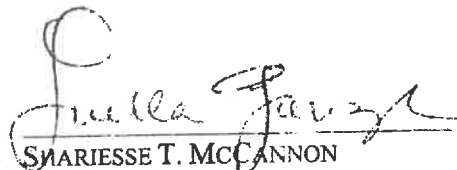


Joyce E. Bustos
Chair

CERTIFICATE OF MAILING

I hereby certify that a true copy of the foregoing was mailed on the 1st day of July 2020,
by certified mail, return receipt requested to:

Hon. Andres Gomez
Santa Clara Municipal Court
P.O. Box 316
Santa Clara, NM 88026


for Shariessa T. McCannon
Clerk of the Commission

VILLAGE OF
SANTA CLARA MUNICIPAL COURT

Andres T. Gomez

Municipal Judge

FILED

JUL 22 2020



Date: 7/09/2020

Dear State of New Mexico Judicial Standards Commission,

NM JUDICIAL
STANDARDS COMMISSION

I received your letter regarding inquiry #2020-016; Notice of Investigation. This letter will include my response and explanation as to what happened in addressing the Notice.

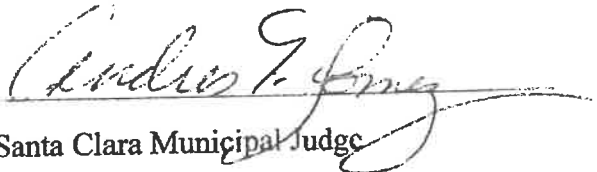
On October 26th, 2019, two family members and I were on a muzzle loader deer hunt in Game Management Unit 24, located in the southern end of the Gila National Forest. After coming off Sheep Corral Canyon Rd., we proceeded on to HWY 15 toward Silver City ton head home after the morning hunt. While driving on HWY 15, we spotted what seemed to be three mature mule deer bucks. Being the driver of the vehicle, I pulled over to the side of the road and safely exited the vehicle where I then went over to the passenger side of the vehicle, and to the best of my knowledge thought I was off the road completely and proceeded to shoot at the deer.

Once I fired my weapon, I realized that what we thought were deer were in fact decoys. Knowing that these were more than likely put up by the New Mexico Game and Fish and there being an area up ahead to pull over again, I figured that the Game Warden would be wanting to see and check my license. Upon being pulled over by the Officer, we were asked to exit the vehicle where he required a show of permits, licenses, and ID's. To my surprise, then officer explained to me that I was shooting form the road. The rules and regulations of shooting a game animal had recently changed from being a certain distance off the road to just being off the road completely. Knowing this, I was under the impression I was doing everything right and had done everything right up until the officer explained to me that I was just a couple feet too far inside the road. He assured me that I had done everything right with the exception of taking a couple last steps. Being concerned for obvious reasons, the Officer assured me that the citation was nothing to worry about, and that it was the equivalent of getting a speeding citation. I was then given back my permits and information and were permitted to further continue our hunt. The officer was very professional in explaining, informing, and conducting all of his procedures.

Being a Municipal Judge and a law abiding citizen, I had felt very embarrassed and very humbled. It was my belief that I had done everything legally to harvest a Mule Deer in those moments, but after talking with the Officer and seeing that he was being nothing but professional and his advice and accusation were not misleading, I decided to pay the penalty assessment.

Exhibit
C

I hope that you will find this response helpful and know that I am truly sorry for any grief that this has brought to anyone. In my position as a Judge, I understand that at times people unknowingly make mistakes, and I believe that this our law system has judges in place. It is to provide a human element on these matters and not leave everything in black and white. With all this being said, I hope you can understand that this was a simple matter of human error and not an intentional act to break the law. Once again, to you, the New Mexico Judicial Standards Commission, my deepest and sincerest apologies.

A handwritten signature in cursive script, appearing to read "Andres T. Gomez", written over a horizontal line.

Santa Clara Municipal Judge

Andres T. Gomez

P.O. BOX 316 – SANTA CLARA, NEW MEXICO 88026 – (575)-537-6417