



IN THE SUPREME COURT  
OF THE STATE OF NEW MEXICO

No. S-1-SC-39802

IN THE MATTER OF HON. DEV ATMA S. KHALSA  
Santa Fe County Magistrate Court

INQUIRY CONCERNING HON. DEV ATMA S. KHALSA  
Inquiry No. 2023-018

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

**VERIFIED PETITION FOR IMMEDIATE TEMPORARY SUSPENSION**  
**WITHOUT PAY**

JUDICIAL STANDARDS  
COMMISSION  
6200 Uptown Blvd., NE, Ste. 340  
Albuquerque, New Mexico 87110-4159  
(505) 222-9353

HON. DEV ATMA S. KHALSA  
P.O. Box 5138  
Santa Fe, NM 87505  
(505) 984-9914

*Respondent*

PHYLLIS A. DOMINGUEZ  
*Executive Director & General Counsel*

KARA JOHNSON  
*Investigative Trial Counsel*

*Counsel for Petitioner*

**IN THE SUPREME COURT  
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WITHOUT PAY**

The Judicial Standards Commission of the State of New Mexico (“*Petitioner*”), through the undersigned counsel, hereby petitions under seal pursuant to Rule 27-104(B) NMRA the New Mexico Supreme Court for an order that immediately and temporarily suspends Respondent Hon. Dev Atma S. Khalsa from judicial office pending completion of the City of Santa Fe’s prosecution of the pending criminal complaint and Judicial Standards Commission’s proceedings.

This Honorable Court entered an Order on February 27, 2023 placing the Respondent on indefinite administrative leave with pay pursuant to its power

of superintending control under N.M. Const. art. VI, §3 pending further investigation to include the investigation currently before the Petitioner.

Although this Honorable Court has ordered the Respondent placed on administrative leave, Petitioner requests that, pursuant to Rule 27-201(A)(4)(a) and (b) of the Rules Governing Review of Judicial Standards Commission Proceedings, and Judicial Standards Commission Rule 24, that this Honorable Court issue an order temporarily suspending the Respondent without pay, and Petitioner further requests, pursuant to Rule 27-104(B) NMRA, that this *Petition* and all Responses thereto be unsealed upon an Order of the Court. As grounds for this verified petition, Petitioner states:

1. Petitioner invokes its jurisdiction and files this *Verified Petition for Immediate Temporary Suspension Without Pay* 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 Supreme Court's power of superintending control under N.M. Const. art. VI, §3; Rule 27-201(A)(4)(a) and (b) NMRA 2020 of the Rules Governing Review of the Judicial Standards

Commission Proceedings, and Rule 24(A) and (B) NMRA 2020 of the Judicial Standards Commission Rules.

2. The Respondent, Hon. Dev Atma S. Khalsa, is a full-time judge for the Santa Fe County Magistrate Court, and is based in Santa Fe, New Mexico.

3. Respondent is alleged to have committed acts that may constitute willful misconduct in office. The alleged charges are set forth in the Commission's *Notice of Formal Proceedings* and summarized herein. (See attached **Exhibit A**, *Notice of Formal Proceedings* in Inquiry No. 2023-018.) The facts on which the *Notice of Formal Proceedings* is based are summarized as follows:

A. On or about February 26, 2023, Respondent was allegedly driving under the influence of intoxicating liquor with an expired driver's license, and was involved in a single-vehicle roll-over accident to which Santa Fe Police Officers responded. Respondent extracted himself from the vehicle which had rolled over on Interstate I-25 at the northbound exit numbered 282. Santa Fe

Police Department Officer Alan Scott arrived on scene and observed that the Respondent's breath smelled of alcohol and that his speech was slurred. Santa Fe County Fire Department Medics advised that the Respondent be transported for medical evaluation to Christus Saint Vincent Hospital due to the crash. Upon arrival, Officer Scott observed Respondent to have red, bloodshot and watery eyes, slurred speech and that Respondent smelled of alcohol. Respondent refused medical evaluation, and refused to submit to a blood draw or any other chemical testing. Respondent was placed under arrest and transported to the Santa Fe County Adult Detention Center where he was booked. (See **Exhibit B**, *Santa Fe County Criminal Complaint Case No. 2023-002357*.)

B. Pursuant to Officer Scott's observations that Respondent had blood-shot and watery eyes, slurred speech and a strong odor of alcohol, and Respondent's refusal for blood testing, Respondent was arrested. Respondent has been charged with Driving While

Under the Influence of Intoxicating Liquor contrary to City of Santa Fe Ordinance 12-6-12.4(D). Because the Respondent was involved in an accident, Officers were unable to conduct standard field sobriety tests.

C. Respondent's driver's license was expired and Respondent was further charged with Driving with an Expired License in violation of City of Santa Fe Ordinance 12-6-12.5.

D. Respondent was further charged with Careless Driving in violation of City of Santa Fe Ordinance 12-6-12.4.

4. Petitioner is investigating Respondent's conduct.
5. Respondent's acts may constitute willful misconduct in office as set forth in N.M. Const. art. VI, §32.
6. Petitioner certifies that Respondent's immediate temporary suspension from judicial office is necessary pending termination of the City of Santa Fe's criminal prosecution, the Petitioner Judicial Standards Commission's proceedings, and to preserve the public's confidence in the integrity of the

judiciary. Petitioner's Certificate to this Honorable Court is attached hereto as **Exhibit C**.

WHEREFORE, Petitioner prays for an Order from this Honorable Court for the immediate temporary suspension without pay of Respondent, Hon. Dev Atma S. Khalsa, pursuant to Rules 27-201(A)(4)(a)-(b) and 27-201(C) NMRA 2020 of the Rules Governing Review of Judicial Standards Proceedings and Rule 24 of the JSC Rules, to preserve the public's confidence in the integrity of the judiciary and pending resolution of Respondent's criminal complaint and Petitioner's proceedings. Petitioner further requests that this Honorable Court's file in this matter be unsealed pursuant to Rule 27-104(B) NMRA 2020.

Respectfully Submitted,

JUDICIAL STANDARDS COMMISSION

*Kara Johnson*

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PHYLLIS A. DOMINGUEZ

*Executive Director & General Counsel*

KARA JOHNSON

*Investigative Trial Counsel*

6200 Uptown Blvd., NE, Ste. 340  
Albuquerque, NM 87110-4159  
(505) 222-9353



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via e-mail through this Supreme Court's Electronic Filing and Service System to [sfemdisk@nmcourts.gov](mailto:sfemdisk@nmcourts.gov) and [dev.atma@khalsa.com](mailto:dev.atma@khalsa.com) on this 1st day of March, 2023, and mailed via certified mail, return receipt requested to the Respondent as follows:

*HON. DEV ATMA S. KHALSA  
P.O. Box 5138  
Santa Fe, NM 87502*

*Kara Johnson*  
\_\_\_\_\_  
KARA JOHNSON

**BEFORE THE JUDICIAL STANDARDS COMMISSION  
OF THE STATE OF NEW MEXICO**

INQUIRY CONCERNING HON. DEV ATMA S. KHALSA  
Santa Fe County Magistrate Court  
Inquiry No. 2023-018

**FILED**

MAR 01 2023 

**NM JUDICIAL  
STANDARDS COMMISSION**

**NOTICE OF FORMAL PROCEEDINGS**

TO: Hon. Dev Atma S. Khalsa  
Santa Fe County Magistrate Court  
P.O. Box 5138  
Santa Fe, NM 87505

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 Judicial Standards Commission Rule 15, has instituted formal proceedings on the charges set forth below.

**COUNT 1**

On or about February 26, 2023, you created the appearance of impropriety and failed to promote public confidence in the integrity of the judiciary when, after Santa Fe Police Officers responded to a single-car accident, you were arrested and charged with Operating a Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs pursuant to City of Santa Fe Ordinance 12-6-12.1(D).

Such conduct violates the Code of Judicial Conduct Rules 21-101 and 21-102 NMRA 2020 and may constitute willful misconduct in office.

**COUNT 2**

On or about February 26, 2023, you created the appearance of impropriety and failed to promote public confidence in the integrity of the judiciary when you allegedly drove your motor vehicle, which was involved in a single-car accident, while your license was expired contrary to City of Santa Fe Ordinance 12-6-12.5. You were subsequently arrested and charged with this violation.

Such conduct violates the Code of Judicial Conduct Rules 21-101 and 21-102 NMRA 2020 and may constitute willful misconduct in office.

**EXHIBIT A**

**COUNT 3**

On or about February 26, 2023, you created the appearance of impropriety and failed to promote public confidence in the integrity of the judiciary when you allegedly drove your motor vehicle, which was involved in a single-car accident, in a careless, inattentive, or imprudent manner without due regard for the attendant circumstances contrary to City of Santa Fe Ordinance 12-6-12.4.

Such conduct violates the Code of Judicial Conduct Rules 21-101 and 21-102 NMRA 2020 and may constitute willful misconduct in office.

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 the Commission electronically (call for filing e-mail address) or by mail sent to:

*Judicial Standards Commission  
6200 Uptown Blvd. NE, Suite 340  
Albuquerque, New Mexico 87110-4159*

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 its privilege 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:



William E. Foote, Ph. D., Chair  
6200 Uptown Blvd. NE, Suite 340  
Albuquerque, NM 87110-4159  
(505) 222-9353

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1<sup>st</sup> day of March 2023 a true copy of the foregoing was sent  
as follows:

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**  
**RESPONDENT**

Hon. Dev Atma S. Khalsa  
Santa Fe County Magistrate Court  
P.O. Box 5138  
Santa Fe, NM 87505

JUDICIAL STANDARDS COMMISSION





# CRIMINAL COMPLAINT

**EXHIBIT B**

STATE OF NEW MEXICO

CASE # 2023-002357

SANTA FE

COUNTY

SANTA FE

CITY

IN THE MUNICIPAL

COURT

- VS -

Name: KHALSA DEV  
 Address: 13 OST SOMBRIO ROAD  
 City/Zip: ESPANOLA NM 87532  
 D.O.B.: 01/26/1978  
 S.S.N.: 649-40-4099  
 Height: 5' 09" Weight: 185 lbs  
 Hair: Brown - BRO  
 Eyes: Green - GRN

STN #: 05  
 Arrest Date: 02/26/2023  
 Driver Lic. #: 507026672  
 Citation #: \_\_\_\_\_  
 Arrest #: 2023-002357  
 Docket #: \_\_\_\_\_  
 Date Filed: 02/26/2023

The undersigned, under penalty of perjury, complains and says that on or about 02/26/2023, in the County/City of SANTA FE/ SANTA FE, State of New Mexico, the above named Defendant(s) did:

Contrary to Section 12-6-12.1 D 1ST

Charge Code \_\_\_\_\_

CRIME: DWI AGGRAVATED (1ST)  
 (Common name of Offense or Offenses)

Contrary to Section 12-6-12.5

Charge Code \_\_\_\_\_

CRIME: NO DRIVER'S LICENSE  
 (Common name of Offense or Offenses)

**CRIMINAL COMPLAINT:**

COUNT: I AGGRAVATED DWI (REFUSE TESTING) - 1ST OFFENSE  
 THE ABOVE-NAMED DEFENDANT OPERATED A MOTOR VEHICLE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS AND THE DEFENDANT REFUSED TO SUBMIT TO CHEMICAL TESTING, A MOTOR VEHICLE CODE MISDEMEANOR, CONTRARY TO CITY OF SANTA FE ORDINANCE 12-6-12.1 D .

COUNT: II EXPIRED DRIVER'S LICENSE  
 THE ABOVE-NAMED DEFENDANT DID DRIVE A MOTOR VEHICLE WHEN HIS DRIVER'S LICENSE WAS EXPIRED, A MOTOR VEHICLE CODE MISDEMEANOR, CONTRARY TO CITY OF SANTA FE ORDINANCE 12-6-12.5.

**STATEMENT OF PROBABLE CAUSE:**

ON FEBRUARY 26, 2023 WHILE DRIVING MY FULLY MARKED PATROL UNIT AND DISPLAYING MY BADGE OF OFFICER, I RESPONDED TO THE SINGLE MOTOR VEHICLE ROLL OVER CRASH ON INTERSTATE I-25 AT EXIT 282 NORTHBOUND.

UPON ARRIVAL, I OBSERVED A SILVER IN COLOR 2001 TOYOTA 4RUNNER BEARING NEW MEXICO (RML996) TO HAVE EXITED THE ROADWAY AND TO BE SITTING IN A DITCH AND HAVING COME TO REST ON THE DRIVERS SIDE OF THE VEHICLE. UPON WALKING DOWN TO THE VEHICLE, I OBSERVED THE DRIVER, IDENTIFIED AS DEV KHALSA TO HAVE SELF EXTRICATED HIMSELF FROM THE VEHICLE AND TO BE SPEAKING WITH SERGEANT CHRISTOPHER LAMOREUX UPON WALKING OVER TO MR. KHALSA TO SPEAK WITH HIM, I ASKED HIM WHAT HAPPENED. WHILE SPEAKING WITH MR. KHALSA I DETECTED TO SMELL OF ALCOHOLIC BEVERAGE OMITTING FROM HIS BREATH. I ALSO OBSERVED MR. KHALSA TO HAVE SLURRED SPEECH. MR. KHALSA WAS THEN WALKED OVER TO THE AMBULANCE TO BE MEDICALLY ASSESSED BY SANTA FE COUNTY FIRE DEPARTMENT MEDICS.

A SHORT TIME LATER, I WAS ADVISED BY ONE OF THE MEDICS THAT MR. KHALSA WAS GOING TO BE TRANSPORTED BY AMBULANCE TO CHRISTUS SAINT VINCENT HOSPITAL TO BE MEDICALLY EVALUATED DUE TO THE HIGH MECHANISM OF INJURY FROM THE CRASH. WHILE I WAS GETTING READY TO LEAVE THE SCENE AND FOLLOW THE AMBULANCE TO THE HOSPITAL, I WAS PROVIDED MR. KHALSA DRIVERS LICENSE WHICH I OBSERVED TO BE EXPIRED (02/24/2023). AFTER OBTAINING MR. KHALSA'S DRIVERS LICENSE, I PROCEEDED TO THE HOSPITAL TO CONTINUE MY INVESTIGATION.

UPON ARRIVAL AT THE HOSPITAL AND WALKING INTO THE EMERGENCY ROOM WITH MR. KHALSA AS HE WAS BEING WHEELED IN ON THE AMBULANCE STRETCHER, I OBSERVED MR. KHALSA TO HAVE BLOOD SHOOT WATERY EYES, I WAS ADVISED THAT DUE TO CRASH MR. KHALSA WAS GOING TO NEED TO BE MEDICALLY ASSESSED. WHILE THE DOCTOR WAS EXPLAINING THIS TO MR. KHALSA HE BECAME UNCOOPERATIVE AND STATED HE REFUSED TO BE MEDICALLY ASSESSED. AFTER HEARING THIS, I BEGAN MY DRIVING WHILE INTOXICATED (DWI) INVESTIGATION. I ADVISED MR. KHALSA THAT I COULD SMELL THE ODOR OF ALCOHOLIC BEVERAGE OMITTING FROM HIS BREATH. I THEN ASKED MR. KHALSA HOW MUCH HE HAD TO DRINK TO WHICH HE STATED "I HAVE HAD NOTHING TO DRINK." AGAIN I OBSERVED MR. KHALSA TO HAVE SLURRED SPEECH. I THEN ADVISED MR. KHALSA THAT I WAS GOING TO READ HIM THE NEW MEXICO IMPLIED CONSENT ADVISORY FOR BLOOD DRAW DUE TO MR. KHALSA AND I ALREADY BEING AT THE HOSPITAL. UPON READING THE NEW MEXICO IMPLIED CONSENT ADVISORY FOR BLOOD DRAW MR. KHALSA STATED "I DONT WANT TO TALK TO YOU AND THAT HE WAS NOT WILLING TO SUBMIT TO A BLOOD DRAW OR ANY CHEMICAL TESTING." AFTER MR. KHALSA MADE THIS STATEMENT, I ADVISED HIM THAT HE WAS GOING TO BE PLACED UNDER ARREST FOR AGGRAVATED DWI. I WAS ALSO ADVISED BY OFFICER ANDREW LAUR THAT HE RAN A

TRIPLE I ON MR. KHALSA AND FOUND HE HAD NO PRIOR DWI ARRESTS. DUE TO MR. KHALSA BEING INVOLVED IN A CRASH AND FROM WHAT I OBSERVED IN MY INVESTIGATION THE STANDARDIZED FIELD SOBRIETY TEST (SFST) WAS NOT COMPLETED.

AFTER MR. KHALSA WAS MEDICALLY CLEARED BY MEDICAL STAFF, I WAS PROVIDED WITH HIS MEDICAL CLEARANCE PAPER WORK. MR. KHALSA WAS THEN PLACED INTO HANDCUFFS WHICH WERE PROPERLY SPACED AND DOUBLE LOCKED AND TRANSPORTED TO THE SANTA FE POLICE DEPARTMENT TO BEGIN THE BOOKING PROCESS. MR. KHALSA WAS THEN TRANSPORTED TO THE SANTA FE COUNTY ADULT DETENTION CENTER WHERE HE WAS BOOKED.

NO FURTHER ACTION WAS TAKEN ON MY BEHALF.

I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF. I UNDERSTAND THAT IT IS A CRIMINAL OFFENSE, SUBJECT TO THE PENALTY OF IMPRISONMENT TO MAKE FALSE STATEMENT IN A CRIMINAL COMPLAINT.

Complainant A Scott

Name SCOTT, ALAN

Title(if any) 8470

Agency(if any) SANTA FE POLICE DEPARTMENT

This complaint may not be filed without the prior payment of a filing fee, unless approved by the District Attorney or a law enforcement officer authorized to serve an Arrest or Search Warrant. Approval of the district attorney or a law enforcement officer is not otherwise required.

Approved M Hurt

DISTRICT ATTORNEY OR LAW ENFORCEMENT OFFICER

[As amended, approved by the Supreme Court of New Mexico, effective September 1, 1990; April 1, 1991; November 1, 1991.]

### If Probable Cause Determination required:

- Probable Cause Found
- Probable Cause Not Found, and Defendant Released from Custody

Judge \_\_\_\_\_

Date \_\_\_\_\_

Time \_\_\_\_\_

[As amended, effective September 1, 1990; April 1, 1991; November 1, 1991; as amended by Supreme Court Order No.13-8300-020, effective for all cases pending or filed on or after December 31, 2013.]

BEFORE THE JUDICIAL STANDARDS COMMISSION  
FOR THE STATE OF NEW MEXICO

**FILED**

IN THE MATTER OF HON. DEV ATMA S. KHALSA  
Santa Fe County Magistrate Court

MAR 01 2023 

Inquiry No. 2023-018

**NM JUDICIAL  
STANDARDS COMMISSION**

CERTIFICATE OF JUDICIAL STANDARDS COMMISSION

The Judicial Standards Commission of the State of New Mexico (“Commission”) hereby certifies in accordance with Rule 24 of the Judicial Standards Commission’s Rules NMRA and Rule 27-201(A)(4)(a)(b) NMRA of the Rules Governing Review of the Judicial Standards Commission Proceedings, that immediate temporary suspension of Santa Fe County Magistrate Judge Dev Atma S. Khalsa (“Respondent”) is necessary pending disposition of the Commission’s ongoing proceedings against him.

The Commission is currently investigating allegations that Respondent has been charged with three (3) criminal counts including Driving While Under the Influence of Intoxicating Liquor, Driving with an Expired Driver’s License and Careless Driving, and may have committed willful misconduct in office which seriously interferes with his ability to fulfill his judicial responsibilities. The charges against Respondent are set forth in the Commission’s *Notice of Formal Proceedings*, and the events upon which the charges are based are summarized herein:

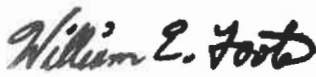
On or about February 26, 2023, Respondent was allegedly driving under the influence of intoxicating liquor with an expired driver’s license, and was involved in a single-vehicle roll over accident to which Santa Fe Police Officers responded. Respondent extracted himself from the vehicle which had rolled over on Interstate I-25 at the northbound exit numbered 282. Santa Fe Police Department Officer Alan Scott arrived on scene and observed that the Respondent’s breath smelled of alcohol and that his

**EXHIBIT C**

speech was slurred. Santa Fe County Fire Department Medics advised that the Respondent be transported for medical evaluation to Christus Saint Vincent Hospital due to the crash. Upon arrival, Officer Scott observed Respondent's speech was slurred, his eyes were red, watery and bloodshot, and Respondent smelled of alcohol. Respondent at this time refused medical evaluation and refused to submit to a blood draw or any other chemical testing. Respondent was then placed under arrest and transported to the Santa Fe County Adult Detention Center where he was booked for driving while under the influence of intoxicating liquor, driving without a valid driver's license, and later also charged with careless driving.

The Commission has determined that continued judicial service by Respondent, would cause immediate and substantial public harm; an appearance of impropriety; erosion of the public's confidence in the integrity, independence, and impartiality of the judiciary; and undermine the orderly administration of justice.

JUDICIAL STANDARDS COMMISSION

By   
WILLIAM E. FOOTE, PH.D Chair  
6200 Uptown Blvd., NE, Suite 340  
Albuquerque, NM 87110-4159  
505-222-9353