

IN RE WINGENROTH, S.Ct. No. 33,228 (Filed October 19, 2011)

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

NO. 33,228

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

October 19, 2011

INQUIRY CONCERNING A JUDGE

NO. 2011-020

PUBLIC CENSURE

WHEREAS, between January through February 2010, respondent personally participated in the solicitation of funds or other prohibited fund-raising activities for the Super Bowl Golf 4 Baseball Tournament, a benefit for the Las Cruces and Oñate High School baseball programs. Respondent used the prestige of judicial office for fund-raising and/or created the appearance that he had done so;

Respondent's admitted conduct violated the following Canons of the code of Judicial Conduct: 21-100; 21-200 (A) and (B); and 21-500 (C)(3)(b)(i) and (ii) NMRA;

WHEREAS, on or about or between January through February 2011, respondent personally participated in the solicitation of funds or other prohibited fund-raising activities for Super Bowl Golf 4 Baseball Tournament, a benefit for the Las Cruces and Oñate High School baseball programs. Respondent used the prestige of judicial office for fund-raising and/or created the appearance that he had done so.

Respondent's admitted conduct violated the following Canons of the code of Judicial Conduct: 21-100; 21-200 (A) and (B), and 21-500 (C)(3)(b)(i) and (ii) NMRA;

WHEREAS, on or about February 6, 2011, following the Super Bowl Golf 4 Baseball Tournament, a juvenile probation officer was arrested for driving while intoxicated by the New Mexico State Police. Even though Respondent was not the designated on-call Las Cruces magistrate Judge for February 2011, the State Police Dispatch erroneously informed the State Police Officer that respondent was the on-call judge. The Officer called respondent to request judicial authority to release defendant on his own recognizance. Respondent admitted to the Officer that he knew the defendant. Respondent admitted that he had been at the golf tournament earlier in the day with the defendant, at which respondent knew there were people drinking alcoholic beverages,

and therefore, respondent was a potential witness in the criminal case. Respondent made a judicial ruling in this case in which he was a potential witness;

Respondent's admitted conduct violates the following Canons of the Code of Judicial Conduct: 21-100; 21-200(A) and (B); 21-300(A), (B)(1), (B)(2), (B)(5), and (B)(8); 21-400(A)(1); and 21-500(A)(1-4) NMRA;

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

Respondent's admitted conduct violated the following Canons of the Code of Judicial Conduct: 21-100; 21-200(A) and (B); 21-300 (A), (B)(1), (B)(2), (B)(5), and (B)(8); 21-400 (A)(1); and 21-500 (A)(1-4) NMRA;

WHEREAS, respondent agreed that his admitted conduct constitutes willful misconduct in office and provides sufficient basis for this Court to impose discipline against Respondent pursuant to Article VI, Section 32 of the New Mexico Constitution.

NOW, THEREFORE, IT IS ORDERED that respondent shall be disciplined as follows:

1. Respondent shall accept a public censure from this Court concerning the conduct admitted in the Stipulation Agreement 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