

**IN RE MILLER-BYRNES, S.Ct. No. 28,716 (Filed August 31, 2004)**

**IN THE MATTER OF MELISSA MILLER-BYRNES,  
Municipal Court Judge, Las Cruces, New Mexico**

NO. 28,716

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

August 31, 2004, Filed

INQUIRY CONCERNING A JUDGE  
NO. 2003-92

**COUNSEL**

James A. Noel, Randall D. Roybal, Albuquerque, New Mexico, For Judicial Standards Commission

Hon. Melissa Miller-Byrnes, Las Cruces, New Mexico, Pro Se

**FORMAL REPRIMAND**

**Per Curiam.**

{1} This matter came before the Court upon recommendation of the Judicial Standards Commission to approve a plea and stipulation agreement entered into between the Commission and Honorable Melissa Miller-Byrnes.

{2} The Commission issued a Notice of Preliminary Investigation to respondent on February 4, 2004. On February 23, 2004, respondent filed a Response to Preliminary Investigation. On April 27, 2004, the Commission issued a Notice of Formal Proceedings to respondent. On May 21, 2004, respondent filed a Response to the Notice of Formal Proceedings and agreed to enter into a Plea and Stipulation Agreement with the Commission. The Commission accepted and filed the Plea and Stipulation Agreement on June 1, 2004. In the agreement, respondent stipulated that the Commission had sufficient evidence to prove the pending allegations and that her conduct provided a sufficient basis for the imposition of discipline pursuant to Article VI, Section 32 of the New Mexico Constitution. On June 1, 2004, the Commission filed a petition for discipline upon stipulation with this Court. The stipulated factual and legal conclusions are set forth below.

{3} During a radio broadcast debate on or about October 15, 2003, respondent made false or misleading statements that no judicial disciplinary complaints had been filed against her with the Judicial Standards Commission.

{4} Respondent's conduct violated the following Canons of the Code of Judicial Conduct: 21-100 NMRA 1995 (Judge shall uphold integrity and independence of judiciary); 21-200(A) and (B) NMRA 1991 (judge shall avoid impropriety and appearance of impropriety in all activities); 21-500(A)(1), (A)(2), and (A)(4) NMRA 1995 (judge shall so conduct the judge's extra-judicial activities as to minimize the risk of conflict with judicial obligations); and 21-700(B)(1), (B)(4)(d), and (B)(7) NMRA 1995 (elections and political activity).

{5} Respondent's conduct constitutes willful misconduct in office.

{6} WE HEREBY FIND that the recommended disciplinary measures for respondent's violations of the Code of Judicial Conduct are appropriate. Respondent shall comply fully with the requirements of the discipline imposed by this Court and with the Code of Judicial Conduct.

{7} NOW, THEREFORE, IT IS ORDERED that Honorable Melissa-Miller-Byrnes is hereby disciplined as follows:

A. Respondent is hereby formally reprimanded. This reprimand shall be published in the Bar Bulletin.

B. Respondent shall abide by all terms and conditions of this order, the plea and stipulation agreement, and the Code of Judicial Conduct.

{8} IT IS FURTHER ORDERED that the parties shall bear their own costs and expenses incurred in this matter.

**{9} IT IS SO ORDERED.**

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**Chief Justice Petra Jimenez Maes**

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**Justice Pamela B. Minzner**

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**Justice Patricio M. Serna**

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**Justice Richard C. Bosson**

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**Justice Edward L. Chávez**