

IN RE SANCHEZ, S.Ct. No. 25,821 (Filed August 17, 1999)

**IN THE MATTER OF JOHN W. "BUDDY" SANCHEZ,
Magistrate Judge, Valencia County.**

NO. 25,821

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

August 17, 1999, Filed

Disciplinary Proceeding

COUNSEL

Peg A. Holguin, Executive Director & Chief Counsel, Randall D. Roybal, Deputy Director & Chief Staff Attorney, Albuquerque, New Mexico, for Judicial Standards Commission

Raul A. Sedillo, Belen, New Mexico, for Respondent

FORMAL REPRIMAND

Per Curiam.

{1} This matter came before the Court upon recommendation of the Judicial Standards Commission to approve a stipulation and agreement entered into between the Commission and Honorable John W. "Buddy" Sanchez, in which he be publicly censured, be suspended for two weeks without pay, participate in a mentor program, be placed on unsupervised probation for six months, and pay all costs incurred by the commission. Having considered the stipulation and agreement and being sufficiently advised, this Court approves the recommendation to adopt the stipulation and agreement.

{2} After an initial inquiry, the commission issued a notice of preliminary investigation to respondent on March 2, 1999. Respondent filed a response to notice on March 17, 1999. In the time that followed, the commission concluded the preliminary investigation and on May 21, 1999, issued a notice of formal proceedings to respondent. On June 25, 1999, respondent and the commission entered into a stipulation and agreement in which respondent stipulated to the factual and legal conclusions, and agreed to receive discipline from the Court. On June 28, 1999, the commission filed a verified petition for discipline with the Court. The stipulated factual and legal conclusions are set forth below.

{3} On or about December 22, 1997, respondent agreed with defense counsel that respondent would submit an abstract of record to the New Mexico Department of Motor

Vehicles (MVD) that would report the disposition of *State v. Bertoldi*, Valencia County Magistrate Court Case No. M-59-DR-9610197, as being dismissed. In actuality, respondent had adjudged the defendant guilty of driving while under the influence of alcohol or drug (DWI) and imposed the following sentence: suspended \$500.00 fine, suspended 90-day jail sentence, \$65.00 in fees, and \$124.00 in costs. On or about May 5, 1998, respondent wrote and sent a letter to MVD stating that defendant's DWI citation was closed incorrectly and asked MVD to amend its records to reflect that defendant's citation was closed as dismissed.

{4} Respondent's conduct violated Canons 21-100 (judge shall uphold integrity and independence of judiciary), 21-200(A) (judge shall act in manner that promotes public confidence in integrity and impartiality of judiciary), 21-200(B) (judge shall avoid impropriety and appearance of impropriety in all activities), 21-300(B)(2) (judge shall be faithful to law, maintain professional competence, and not be swayed by partisan interests, public clamor, or fear of criticism), and 21-300(B)(7) (judge shall not consider *ex parte* communications) of the Code of Judicial Conduct and constitutes willful misconduct in office. Such conduct may have also violated NMSA 1978, Section 66-8-135 (1995) (guidelines for mandatory filing of record in traffic cases), and, under paragraph F of that statute, may constitute misconduct in office and grounds for removal.

{5} On October 29, 1998 in the matter of *State v. Mezo*, Valencia County Magistrate Court Case No. M-59-DR-9800111, respondent approved and agreed in a plea and disposition agreement to withhold from MVD an abstract of record upon defendant's completion of her probationary period. In this instance, respondent's conduct violated Canons 21-100 (judge shall uphold integrity and independence of judiciary), 21-200(A) (judge shall act in manner that promotes public confidence in integrity and impartiality of judiciary), and 21-300(B)(2) (judge shall be faithful to law, maintain professional competence, and not be swayed by partisan interests, public clamor, or fear of criticism) of the Code of Judicial Conduct and constitutes willful misconduct in office. Such conduct may have also violated NMSA 1978, Section 66-8-135 (1995) (guidelines for mandatory filing of record in traffic cases), and under paragraph F of that statute, may constitute misconduct in office and grounds for removal.

{6} Respondent also failed to impose the mandatory minimum sentence required by law in the matter of *State v. Martinez*, Valencia County Magistrate Court Case No. M-0060-DR-0000970044. Respondent's conduct violated Canons 21-100 (judge shall uphold integrity and independence of judiciary), 21-200(A) (judge shall act in manner that promotes public confidence in integrity and impartiality of judiciary), and 21-300(B)(2) (judge shall be faithful to law, maintain professional competence, and not be swayed by partisan interests, public clamor, or fear of criticism) of the Code of Judicial Conduct and constitutes willful misconduct in office.

{7} 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 and with the Code of Judicial Conduct.

{8} NOW, THEREFORE, IT IS ORDERED that Honorable John W. "Buddy" Sanchez is disciplined as follows:

1. Respondent shall be and is hereby publicly censured;
2. Respondent shall take leave of absence without pay beginning July 17, 1999 to July 30, 1999;
3. Respondent shall participate in a mentor program. The Judicial Standards Commission shall recommend the name of a mentor to this Court for approval and appointment;
4. Respondent shall be placed on unsupervised probation for six (6) months effective July 31, 1999; and
5. Respondent shall pay all costs incurred by the Judicial Standards Commission in this matter.

{9} IT IS FURTHER ORDERED that should respondent violate any provisions of the Code of Judicial Conduct during the probationary period, admissions in Judicial Standards Commission Inquiry No. 99-16 shall be used in all proceedings including, but not limited to, probation revocation proceedings, and formal proceedings against respondent shall resume.

{10} IT IS SO ORDERED.

Chief Justice Pamela B. Minzner

Justice Joseph F. Baca

Justice Gene E. Franchini

Justice Patricio M. Serna

Justice Petra Jimenez Maes