

This decision of the Supreme Court of New Mexico was not selected for publication in the New Mexico Appellate Reports. Refer to Rule 12-405 NMRA for restrictions on the citation of unpublished decisions. Electronic decisions may contain computer-generated errors or other deviations from the official version filed by the Supreme Court.

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

April 8, 2019

NO. S-1-SC-37568

**INQUIRY CONCERNING A JUDGE
JSC Inquiry No. 2018-020**

**IN THE MATTER OF
HON. ALBERT J. MITCHELL, Jr.
Tenth Judicial District Court**

ORDER AND PUBLIC CENSURE

WHEREAS, this matter came on for consideration by the Court upon a petition to accept a stipulation agreement and consent to discipline between the Judicial Standards Commission and Respondent, Hon. Albert J. Mitchell, Jr.;

WHEREAS, in the stipulation agreement, Respondent admits to the following facts:

- (1) On or about January 8, 2018, Respondent met privately with County Manager Richard Primrose following a meeting of the Quay County Commissioners; and
- (2) At the private meeting with the County Manager on January 8, 2018, Respondent expressed his displeasure with the vote of the County Commissioners concerning security of the Quay County Courthouse;

WHEREAS, in the stipulation agreement, Respondent denies that he engaged in willful misconduct regarding political influence, but Respondent does not contest that the Commission has sufficient facts and evidence to prove the following conduct occurred at the private meeting with the County Manager on January 8, 2018:

- (1) Respondent made statements indicating he had the Governor's ear and could call on her to line-item veto capital outlay funds for Quay County if the court security measures Respondent wanted were not met;
- (2) Respondent made statements indicating that if the court security measures Respondent wanted were not met, a prominent legislator could take the Quay County court's security measures into his own hands and

- pass a law to provide the measures Respondent believed were necessary for the courthouse; and
- (3) Respondent made statements indicating that if any of a number of specific options concerning court security were implemented, Respondent would not follow through with notifying the Governor about Quay County's failure to implement the court security measures. The manner in which Respondent presented the options to the County Manager on January 8, 2018, was suggestive of a threat and the possibility of putting Quay County in jeopardy of not receiving capital outlay funds;

WHEREAS, in the stipulation agreement, Respondent acknowledge that the facts support a conclusion that he violated the Code of Judicial Conduct;

WHEREAS, the stipulation agreement provides that Respondent knew or should have known that his actions were clearly a failure to be patient, dignified, and courteous. See Rule 21-208(B) NMRA;

WHEREAS, the stipulation agreement provides that Respondent's statements created an appearance of impropriety and could be perceived as an abuse of the prestige of judicial office, which reflects negatively upon the independence, integrity, and impartiality of, and respect for, the judiciary. See Rules 21-102 and 21-103 NMRA;

WHEREAS, the stipulation agreement provides that Respondent consents to the imposition of a public censure as discipline and to its publication in the *New Mexico Bar Bulletin*; and

WHEREAS, in light of the foregoing, and the Court having determined that acceptance of the stipulation agreement and consent to discipline is in the best interests of the judiciary and the public and being sufficiently advised, Chief Justice Judith K. Nakamura, Justice Barbara J. Vigil, Justice Michael E. Vigil, Justice C. Shannon Bacon, and Justice David K. Thomson concurring;


NOW, THEREFORE, IT IS ORDERED that the petition is GRANTED and this PUBLIC CENSURE is issued to Respondent, Hon. Albert J. Mitchell, Jr.; and

IT IS FURTHER ORDER that this matter is UNSEALED under Rule 27-104(B) NMRA.

IT IS SO ORDERED.



WITNESS, the Honorable Judith K. Nakamura, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 8th day of April, 2019.



Joey D. Moya, Chief Clerk of the Supreme Court
of the State of New Mexico