

IN RE WOOD, S.Ct. No. 29,085 (Filed May 12, 2005)

**IN THE MATTER OF LARRY E. WOOD,
Magistrate Judge, Eddy County, New Mexico**

NO. 29,085

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

May 12, 2005, Filed

INQUIRY CONCERNING A JUDGE
NOS. 2003-73 & 2003-95

COUNSEL

Randall D. Roybal, Albuquerque, New Mexico, for Judicial Standards Commission

Larry E. Wood, Pro Se, Artesia, New Mexico

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 Larry E. Wood.

{2} On July 16, 2004, the Commission issued a notice of preliminary investigation to respondent. On August 5, 2004, respondent filed his response to the Commission's notice of preliminary investigation. On September 23, 2004, the Commission issued a notice of formal proceedings, notice of trial and pretrial scheduling order, and discovery order to respondent. On January 11, 2005, respondent agreed to enter into a stipulation agreement and consent to discipline with the Commission, which the Commission accepted and filed on January 24, 2005. On February 15, 2005, the Commission filed a petition for discipline upon stipulation with this Court. After hearing oral argument from the parties on April 11, 2005, we rejected the stipulation agreement and consent to discipline. On April 15, 2005, the parties entered into a new Stipulation Agreement and Stipulation to Discipline. The stipulated factual and legal conclusions are set forth below.

{3} Respondent knowingly failed to follow and/or apply the law (NMSA 1978, § 33-3-11) when he incarcerated citizens for failure to pay fines. He wrongfully credited inmates with only \$5.00 per day of time served toward payment of fines and fees.

{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) NMRA 1991 (judge shall avoid impropriety and appearance of impropriety in all activities); and 21-300(B)(2) NMRA 1995 (judge shall perform the duties of office impartially and diligently).

{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 Larry E. Wood is hereby disciplined as follows:

1. Respondent shall permanently resign from his judicial position effective April 30, 2005. Respondent shall never again hold, become a candidate for, run for, or stand for election to any judicial office in the future. Respondent shall never seek, accept appointment to, or serve pro tempore for any judicial office in the future; and

2. Respondent shall receive a formal reprimand, which shall be published in the Bar Bulletin.

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

{9} IT IS SO ORDERED.

Chief Justice Richard C. Bosson

Justice Pamela B. Minzner

Justice Patricio M. Serna

Justice Petra Jimenez Maes

Justice Edward L. Chávez