

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Kea Whetzal Riggs
Kea Lynn Whetzal

2. **Position**: State the position for which you have been nominated.

United States District Judge, District of New Mexico

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Chaves County Courthouse
400 North Virginia Avenue
Roswell, New Mexico 88201

4. **Birthplace**: State year and place of birth.

1965; Midwest City, Oklahoma

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1987 – 1990: University of Oklahoma College of Law; J.D., 1990

1983 – 1987: University of Oklahoma; B.B.A. in Accounting (With Distinction), 1987

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2014 – present
State of New Mexico Fifth Judicial District Court
400 North Virginia Avenue
Roswell, New Mexico 88201

District Court Judge, Division VIII

2001 – 2014

United States District Court – District of New Mexico
333 Lomas Boulevard NW
Albuquerque, New Mexico 87102
United States Magistrate Judge (Part-time)

2001 – 2002

2008 – 2009

2012 – 2014

Eastern New Mexico University – Roswell
52 University Boulevard
Roswell, New Mexico 88203
Adjunct Professor

2006 – 2012

Self-employed (part-time)
P.O. Box 236
Roswell, New Mexico 88202
Special master and mediator

2006 – 2009

2011

New Mexico Highlands University – Roswell
1005 Diamond Street
Las Vegas, New Mexico 87701
Adjunct Professor

1999 – 2004

Sanders, Bruin, Coll & Worley, P.A.
701 West Country Club Road
Roswell, New Mexico 88201
Associate Attorney

1994 – 1999

State of New Mexico Fifth Judicial District Attorney
400 North Virginia, Suite G-2
Roswell, New Mexico 88201
Senior Trial Prosecutor

1993 – 1994

Children, Youth and Families Department
State of New Mexico
4 Grand Avenue Plaza
Roswell, New Mexico 88201

Children's Court Attorney

1991 – 1993

State of New Mexico Third Judicial District Attorney
845 North Motel Boulevard, Suite D
Las Cruces, New Mexico 88007
Assistant District Attorney

1990 – 1991

Cutter & Riggs, P.C.
129 South Downtown Mall
Las Cruces, New Mexico 88001
Attorney

1989 – 1990

Oklahoma Corporation Commission
2010 North Lincoln Boulevard #129
Oklahoma City, Oklahoma 73015
Law Clerk

1988

Apache Drug
101 North Coblake
Apache, Oklahoma 73006
Clerk

Other Affiliations (uncompensated unless otherwise indicated)

2013 – 2014

New Mexico Military Institute
101 West College Boulevard
Roswell, New Mexico 88201
Board of Regents

2012 – 2014 (approximately)

Assurance Home Foundation
1000 East 18th Street
Roswell, New Mexico 88201
Board of Directors

2006 – 2014 (approximately)

Assurance Home Incorporated
1000 East 18th Street
Roswell, New Mexico 88201
Board of Directors

1994 – 2001 (approximately)
Esperanza House
Roswell, New Mexico
Defunct
Board of Directors

1991 – 1993 (approximately)
Las Cruces Rape Crisis Center
Las Cruces, New Mexico
Defunct
Board Member

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I was not required to register for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Assurance Home Incorporated Honorary Member of the Board of Directors (2014 – present)

Graduated with Distinction from the University of Oklahoma (1987)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Chaves County Bar Association (approximately 2014 – present)

Dona Ana County Bar Association (1991 – 1993)

Federal Magistrate Judges Association (2013 – 2014)
Part-time Magistrate Representative (2013 – 2014)

New Mexico Criminal Rules Committee (2018 – present)

New Mexico District Judge and Magistrate Judge Association (approximately 2015 – present)

New Mexico Sentencing Commission Sex Offender Management Board (2017 – present)

American Inns of Court George L. Reese Chapter (2000)

State Bar of New Mexico (1990 – present)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

State Bar of New Mexico (1990)

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States District Court for the District of New Mexico (1991)

State of New Mexico (1990)

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Assurance Home Foundation

Board of Directors (2012 – 2014 (approximately))

Assurance Home Incorporated

Board of Directors (2006 – 2014 (approximately))

Esperanza House

Board of Directors (1994 – 2001 (approximately))

Interagency Council on Abuse and Neglect (1991 – 1993)

Judicial Leadership Council of National Court Appointed Special Advocates
(2018 – present)

Las Cruces Rape Crisis Center

Board of Directors (1991 – 1993 (approximately))

Multi-disciplinary Council on Gang Prevention (1991 – 1993)

New Mexico Military Institute
Board of Regents (2013 – 2014)

Roswell Community League (1994 – 1999)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

I graduated from high school at New Mexico Military Institute in 1983 and was on its Board of Regents from 2013 to 2014. Prior to 1977, New Mexico Military Institute excluded females from enrollment.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

None.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

In late July 2014, I made an opening statement to the Judicial Nominating Commission, which recommends to the Governor the names of candidates qualified for judicial office. I have no notes, transcript, or recording. Press report supplied.

Minutes of the New Mexico Military Institute Board of Regents (July 11, 2014).
Copy supplied.

Minutes of the New Mexico Military Institute Board of Regents (May 23, 2014).
Copy supplied.

Minutes of the New Mexico Military Institute Board of Regents (Apr. 30, 2014).
Copy supplied.

Minutes of the New Mexico Military Institute Board of Regents (Mar. 6, 2014).
Copy supplied.

Minutes of the New Mexico Military Institute Board of Regents (Jan. 29, 2014).
Copy supplied.

Minutes of the New Mexico Military Institute Board of Regents (Dec. 19, 2013).
Copy supplied.

Minutes of the New Mexico Military Institute Board of Regents (Nov. 7, 2013).
Copy supplied.

Minutes of the New Mexico Military Institute Board of Regents (Oct. 18, 2013).
Copy supplied.

Minutes of the New Mexico Military Institute Board of Regents (July 12, 2013).
Copy supplied.

Minutes of the New Mexico Military Institute Board of Regents (June 10, 2013).
Copy supplied.

Minutes of the New Mexico Military Institute Board of Regents (May 17, 2013).
Copy supplied.

Minutes of the New Mexico Military Institute Board of Regents (Apr. 26, 2013).
Copy supplied.

Minutes of the New Mexico Military Institute Board of Regents (Mar. 6, 2013).
Copy supplied.

I was on the Boards of Assurance Home Foundation, Assurance Home Incorporated, Esperanza House, and the Las Cruces Rape Crisis Center, as noted

above, but copies of their meeting minutes from my tenures no longer exist.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

March 1, 2019: Speaker, Judge Freddie Romero's Retirement Celebration, Roswell, New Mexico. I spoke about Judge Romero's contributions to the bench. I have no notes, transcript, or recording. The address for the Chaves County Courthouse is 400 North Virginia Avenue, Roswell, New Mexico 88201. Press report supplied.

January 23, 2019: Speaker, Leadership New Mexico, Roswell, New Mexico. I spoke about the New Mexico Abuse and Neglect System and Juvenile Justice System. Outline of presentation supplied.

November 2, 2018: Speaker, Leadership Roswell, Roswell, New Mexico. I spoke about leadership and the judiciary. Notes supplied.

January 31, 2018: Speaker, Leadership New Mexico, Roswell, New Mexico. I spoke about the New Mexico Abuse and Neglect System and Juvenile Justice System. My remarks followed the outline supplied for the January 23, 2019, speech.

January 18, 2018: Speaker, United States Department of State, International Law Enforcement Academy, Roswell, New Mexico. I spoke about the judicial system. I have no notes, transcript, or recording. The address for the International Law Enforcement Academy is 47 Gail Harris Street, Roswell, New Mexico 88203. Press report supplied.

November 3, 2017: Speaker, Leadership Roswell, Roswell, New Mexico. I spoke about leadership and the judiciary. My remarks followed the notes supplied for the November 2, 2018, speech.

April 26, 2017: Speaker, Rally Against Child Abuse, Chaves County CASA, Roswell, New Mexico. I spoke about child abuse prevention. I have no notes, transcript, or recording. The address for the Chaves County CASA is 500 North Main Street #314, Roswell, New Mexico 88201.

February 3, 2017: Speaker, Leadership Roswell, Roswell, New Mexico. I spoke

about leadership and the judiciary. My remarks followed the notes supplied for the November 2, 2018, speech.

January 25, 2017: Speaker, Leadership New Mexico, Roswell, New Mexico. I spoke about the New Mexico Abuse and Neglect System and Juvenile Justice System. My remarks followed the outline supplied for the January 23, 2019, speech.

October 29, 2016: Speaker, First Steps Towards Reunification, Eastern New Mexico University, Roswell, New Mexico. I spoke about the abuse and neglect process in Chaves County. I have no notes, transcript or recording. The address of Eastern New Mexico University is 52 University Boulevard, Roswell, New Mexico 88203.

October 28, 2016: Speaker, Leadership Roswell, Roswell, New Mexico. I spoke about leadership and the judiciary. My remarks followed the notes supplied for the November 2, 2018, speech.

August 19, 2016: Speaker, United States Department of State, International Law Enforcement Academy, Roswell, New Mexico. I spoke about the judicial system. I have no notes, transcript, or recording. The address for the International Law Enforcement Academy is 47 Gail Harris Street, Roswell, New Mexico 88203.

May 28, 2016: Speaker, First Steps Towards Reunification, Eastern New Mexico University, Roswell, New Mexico. I spoke about the abuse and neglect process in Chaves County. I have no notes, transcript or recording. The address of Eastern New Mexico University is 52 University Boulevard, Roswell, New Mexico 88203.

April 13, 2016: Speaker, Rally Against Child Abuse, Chaves County CASA, Roswell, New Mexico. I spoke about child abuse prevention. I have no notes, transcript, or recording. The address for the Chaves County CASA is 500 North Main Street #314, Roswell, New Mexico 88201.

February 3, 2016: Speaker, Leadership New Mexico, Roswell, New Mexico. I spoke about the New Mexico Abuse and Neglect System and Juvenile Justice System. My remarks followed the outline supplied for the January 23, 2019, speech.

October 10, 2015: Speaker, First Steps Towards Reunification, Eastern New Mexico University, Roswell, New Mexico. I spoke about the abuse and neglect process in Chaves County. I have no notes, transcript or recording. The address of Eastern New Mexico University is 52 University Boulevard, Roswell, New Mexico 88203.

July 25, 2015: Speaker, Leadership Roswell, Eastern New Mexico University,

Roswell, New Mexico. I spoke about leadership and the judiciary. My remarks followed the notes supplied for the November 2, 2018, speech.

July 25, 2015: Speaker, First Steps Towards Reunification, Eastern New Mexico University, Roswell, New Mexico. I spoke about the abuse and neglect process in Chaves County. I have no notes, transcript or recording. The address of Eastern New Mexico University is 52 University Boulevard, Roswell, New Mexico 88203.

December 17, 2014: Speaker, Federated Republican Women of Chaves County, Roswell, New Mexico. I spoke about service to the community. I have no notes, transcript, or recording. The address for the Federated Republican Women of Chaves County is 1900 West Mescalero, Roswell, New Mexico 88201. Press report supplied.

Approximately 2012: Speaker, New Mexico Military Institute, Roswell, New Mexico. I spoke about the responsibility of being a leader. I have no notes, transcript, or recording. The address of the New Mexico Military Institute is 101 West College Boulevard, Roswell, New Mexico 88201.

On multiple dates between 1995 and 2016, I gave speeches at various public schools, including the New Mexico Military Institute and Goddard High School, in Roswell, New Mexico. I no longer have records on the precise dates nor do I remember the other public schools at which I spoke. I spoke generally about the justice system in America. I have no notes, transcripts, or recordings. The address for the New Mexico Military Institute is 101 West College Blvd, Roswell, New Mexico 88201, and the address for Goddard High School is 701 East Country Club Road, Roswell, New Mexico 88201.

On multiple dates, I gave speeches to tour groups at the Chaves County Courthouse. I no longer have records on the precise dates. I spoke about service to the community. I have no notes, transcripts, or recordings. The address for the Chaves County Courthouse is 400 North Virginia Avenue, Roswell, New Mexico 88201. Illustrative press report supplied.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Diana M. Sandoval, *From Diapers to Briefs to Ballet*, STATE BAR OF NEW MEXICO BAR BULLETIN, Winter 2000. Copy supplied.

There is one article quoting me where I cannot recall whether my statements were made in court, or in an interview. In an abundance of caution, I have listed it below:

Teen-Ager Arrested in Death of Theater Manager, N.Y. TIMES, July 28, 1992.
Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have served as a District Judge for the State of New Mexico Fifth Judicial District from September 15, 2014, to present. I am a general jurisdiction judge. The authority of a New Mexico District Judge is defined by Article VI, §13 of the New Mexico Constitution.

From April 13, 2001, to August 31, 2014, I served as a United States Magistrate Judge (part-time) appointed by the United States District Court of New Mexico. The authority of a federal magistrate judge is defined by 28 U.S.C. § 636.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

I have presided over and disposed of more than 5,200 cases through final judgment. Chart supplied of my State District Court cases.

- i. Of these, approximately what percent were:

jury trials:	1.5%
bench trials:	98.5%
civil proceedings:	40%
criminal proceedings:	60%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

The opinions that I have written are unpublished and unavailable on any public electronic databases. I have presided over and disposed of more than 5,200 cases through final judgment. Chart supplied in response to Question 13(a).

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *New Mexico v. Whiteside*, No. D-504-CR-2014-107 (N.M. 5th Jud. Dist.).

Defendant broke into a home. He raped, beat and stabbed the victim. After looting the house, Defendant slit the victim's throat. Defendant was convicted of

Attempted First Degree Murder, Criminal Sexual Penetration and Aggravated Burglary. Prior to trial, the Court was required to resolve complex legal issues regarding the Fourth Amendment prohibition against illegal search and seizure. Judgment and Sentence supplied.

Counsel for the Prosecution

Dianna Luce
Office of the District Attorney
Fifth Judicial District
301 North Dalmont Street
Hobbs, New Mexico 88240
(575) 397-6484 ext. 15306
Counsel for the Defendant

Gary Mitchell
P.O. Box 2460
Ruidoso, New Mexico 88355
(575) 257-3171

2. *New Mexico v. Lucero*, No. D-504-CR-2014-482 (N.M. 5th Jud. Dist.).

Defendant conspired with others to lure the victim to an address. Defendant stabbed the victim and left him to die. Defendant returned to the address hours later and killed the victim. Defendant was convicted of First Degree Murder and Conspiracy. The Court was required to resolve complex evidentiary issues throughout the trial. Judgment and Sentence supplied.

Counsel for the Prosecution

Matthew Stone
Office of the District Attorney
Fifth Judicial District
400 North Virginia Avenue, Suite G-2
Roswell, New Mexico 88201
(575) 622-4121 ext. 15125

Counsel for the Defendant

Robert Tangora
P.O. Box 32315
Santa Fe, New Mexico 87594
(505) 881-9060

3. *New Mexico v. Rothschild*, No. D-504-CR-2015-439 (N.M. 5th Jud. Dist.).

Defendant was accused of committing criminal sexual penetration on his granddaughter. The Court was required to resolve complex evidentiary issues prior to trial including the admissibility of video testimony and the competency of a child witness. Defendant was acquitted after the Court entered a directed verdict. Judgment of Acquittal supplied.

Counsel for the Prosecution

Dianna Luce
Office of the District Attorney
Fifth Judicial District
301 North Dalmont Street
Hobbs, New Mexico 88240
(575) 397-6484 ext. 15306

Counsel for the Defendant

Craig S. Acorn
Office of the Public Defender
301 North Guadalupe Street, Suite 101
Santa Fe, New Mexico 87501
(505) 219-2865

4. *New Mexico v. Linares*, No. D-504-CR-2016-614 (N.M. 5th Jud. Dist.).

Defendant murdered the victim. Defendant was convicted of Second Degree Murder and Conspiracy to Commit Second Degree Murder. Judgment and Sentence supplied.

Counsel for the Prosecution

J. Michael Thomas
Office of the District Attorney
Fifth Judicial District
400 North Virginia Avenue, Suite G-2
Roswell, New Mexico 88201
(575) 622-4121 ext. 15110

Counsel for the Defendant

James Baiamonte
90 Lomas Boulevard N.W.
Albuquerque, New Mexico 87102
(505) 246-8166

5. *New Mexico v. Romero*, No. D-504-CR-2015-246 (N.M. 5th Jud. Dist.).

Defendant was accused of murdering the victim execution style. The first trial resulted in a hung jury. The State of New Mexico subsequently dismissed the case. Order of Mistrial supplied.

Counsel for the Prosecution

Dianna Luce
Office of the District Attorney
Fifth Judicial District
301 North Dalmont Street
Hobbs, New Mexico 88240
(575) 397-6484 ext. 15306
Counsel for the Defendant

Gary Mitchell
P.O. Box 2460
Ruidoso, New Mexico 88355
(575) 257-3171

6. *Kaywal Inc., v. Avangrid Renewables, LLC, et. al.*, No. D-504-CV-2017-215 (N.M. 5th Jud. Dist.).

Petitioner owns a large ranch and sued for Trespass and Nuisance regarding the construction of a wind farm on adjacent property. This case is ongoing, and two issues are currently on interlocutory appeal. As the case is ongoing, there are no dispositional documents to attach.

Counsel for the Plaintiff

Lucas Williams
Andrew J. Cloutier
Hinkle Shanor LLP
P.O. Box 10
Roswell, New Mexico 88202
(575) 622-6510

Counsel for the Defendant

Earl E. Debrine
Modrall Sperling Roehl Harris & Sisk P.A.
P.O. Box 2168
Albuquerque, New Mexico 87103
(505) 848-1800

7. *New Mexico v. Bruce*, No. D-504-CR-2016-82 (N.M. 5th Jud. Dist.).

Defendant was accused of Aggravated Assault Against a Household Member (Deadly Weapon), False Imprisonment, and Bribery of a Witness. Defendant was acquitted. Judgment of Acquittal supplied.

Counsel for the Prosecution

Christa Morrow
New Mexico Human Services Department
Child Support Enforcement Division
2732 North Wilshire Boulevard
Roswell, New Mexico 88201
(575) 624-9001
Formerly with Office of the Fifth Judicial District Attorney

Counsel for the Defendant

Debra Lautenschlager
Office of the Public Defender
610 North Virginia Avenue
Roswell, New Mexico 88201
(575) 208-1655 ext. 10707

8. *New Mexico v. Ronquillo*, No. D-504-CR-2014-307 (N.M. 5th Jud. Dist.).

Defendant enticed the victim into a home and raped her. Defendant was convicted of Criminal Sexual Penetration. The Court was required to resolve complex evidentiary issues throughout the trial including the admissibility of evidence along with out of court statements. Judgment and Sentence supplied.

Counsel for the Prosecution

Matthew Stone
Office of the District Attorney
Fifth Judicial District
400 North Virginia Avenue, Suite G-2
Roswell, New Mexico 88201
(575) 622-4121 ext. 15125

Counsel for the Defendant

Jared Kallunki
Office of the Public Defender
610 North Virginia Avenue
Roswell, New Mexico 88201

(575) 208-1655 ext. 10711

9. *In re Modification of the Harvey E. Yates Revocable Trust*, No. D-504-PB-2012-36 (N.M. 5th Jud. Dist.).

This matter involves disputes among the beneficiaries of a large and complicated family trust. The case was settled through the modification/termination of trusts. Settlement document supplied.

Counsel for the Petitioner

Gregory MacKenzie
Hurley, Toevs, Syles, Hamblin & Panter P.A.
4155 Montgomery Boulevard, N.E.
Albuquerque, New Mexico 87109
(505) 888-1188

Counsel for Respondent Fred Yates

W. Spencer Reid
Keleher & McLeod P.A.
P.O. Box AA
Albuquerque, New Mexico 87103
(505) 346-9114

Counsel for Respondent George Yates

Charles R. Peifer
Peifer Hanson & Mullin, P.A.
20 First Plaza Center N.W. #725
Albuquerque, New Mexico 87125
(505) 247-4800

Counsel for Respondents H. Yates Jr., W. Yates-Cypes, H. Yates, III, and H. Palmer Yates

Honorable Joel Carson
United States Court of Appeals for the Tenth Circuit
P.O. Box 1612
Roswell, New Mexico 88202
(575) 578-6140
Formerly with Carson Ryan LLC

Clifford K. Atkinson
Atkinson Baker & Rodriguez, P.C.
201 Third Street N.W. #1850

Albuquerque, New Mexico 87102
(505) 764-8111

10. *New Mexico v. Garcia*, No. D-504-CR-2013-542 (N.M. 5th Jud. Dist.).

Defendant and co-defendants allegedly kidnapped, beat, and robbed the victim. Victim was left for dead in a remote area. Defendant was acquitted. The Court was required to resolve complex evidentiary issues throughout the course of the matter including the severance of trial for defendants, admissibility of evidence and statements by co-defendants and the legality of searches. Judgment of Acquittal supplied.

Counsel for the Prosecution

Matthew Stone
Fifth Judicial District
400 North Virginia, Suite G-2
Roswell, New Mexico 88201
(575) 622-4121 ext. 15125

Counsel for the Defendant

Todd Holmes
The Holmes Law Firm
P.O. Box 4065
Alamogordo, New Mexico 88311
(575) 437-2801

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *Christine Brininstool & Mitchell Brininstool v. First American Bank, as Trustee of the Lindsey Brininstoll Trust created under the William Brininstool Revocable*, No. D-504-CV-2016-371 (Mar. 15, 2018 N.M. 5th Jud. Dist.). Copy supplied.

Counsel for the Plaintiffs

Brian Parrish
New Mexico Supreme Court
P.O. Box 848
Santa Fe, New Mexico 87504
(505) 827-4883
Formerly with Sommer, Udall, Sutin, Hardwick, and Hyatt, P.A.

Counsel for the Defendants

Kelly M. Cassels
Sanders, Bruin, Coll & Worley, P.A.
P.O. Box 550
Roswell, New Mexico 88202
(575) 622-5440

2. *Barry Freedman, on behalf of Ute Lake Ranch, Inc. v. Bd. of Cnty. Comm'rs Quay Cnty.*, No. D-1010-CV-2015-41 (Nov. 20, 2015 N.M. 10th Jud. Dist.), *cert denied*, No. S-1-SC-36198 (N.M. Dec. 12, 2016). Copy supplied.
Counsel for the Plaintiff

Richard Rowley
P.O. Box 790
Clovis, New Mexico 88201
(575) 763-4457

Counsel for the Defendant

Donald C. Shutte
P.O. Box 1091
Tucumcari, New Mexico 88401

3. *Kaywal, Inc. v. Avangrid Renewables, LLC, et. al.*, No. D-504-CV-2017-215 (Dec. 7, 2017 N.M. 5th Jud. Dist.). Copy supplied.

Counsel for the Plaintiff

Lucas Williams
Andrew J. Cloutier
Hinkle Shanor LLP
P.O. Box 10
Roswell, New Mexico 88202
(575) 622-6510

Counsel for the Defendants

Earl E. Debrine
Modrall Sperling Roehl Harris & Sisk P.A.
P.O. Box 2168
Albuquerque, New Mexico 87103
(505) 848-1800

4. *Kaywal, Inc. v. Avangrid Renewables, LLC, et. al.*, No. D-504-CV-2017-215 (Feb. 1, 2018 N.M. 5th Jud. Dist.). Copy supplied.

Counsel for the Plaintiff

Lucas Williams
Andrew J. Cloutier
Hinkle Shanor LLP
P.O. Box 10
Roswell, New Mexico 88202
(575) 622-6510

Counsel for the Defendants

Earl E. Debrine
Modrall Sperling Roehl Harris & Sisk P.A.
P.O. Box 2168
Albuquerque, New Mexico 87103
(505) 848-1800

5. *Lily Renteria v. Roswell Literacy Council, Inc.*, No. D-504-CV-2015-137 (Oct. 5, 2016 N.M. 5th Jud. Dist.). Copy supplied.

Counsel for the Plaintiff

Barbara A. Patterson
P.O. Box 4461
Roswell, New Mexico 88202
(575) 622-0068

Counsel for the Defendant

Olivia Mitchell
Henninghausen & Olsen, LLP
P.O. Box 1415
Roswell, New Mexico 88202
(575) 624-2463

Marion J. Craig III
P.O. Box 1436
Roswell, New Mexico 88202
(575) 622-1106

6. *New Mexico v. Rothschild*, No. D-504-CR-2015-439 (Apr. 12, 2011 N.M. 5th Jud. Dist.). Copy supplied.

Counsel for the Prosecution

Emily Fry
Office of the District Attorney
Fifth Judicial District
400 North Virginia, Avenue, Suite G-2
Roswell, New Mexico 88201
(575) 622-4121 ext. 15124

Counsel for the Defendant

Gokul Sripada
2245 West Ogden Avenue
Chicago, Illinois 60612
(312) 433-7046
Former with Law Offices of the Public Defender

7. *New Mexico v. Villarreal*, No. D-504-CR-2015-307 (Nov. 16, 2015 N.M. 5th Jud. Dist.). Copy supplied.

Counsel for the Prosecution

J. Michael Thomas
Office of the District Attorney
Fifth Judicial District
400 North Virginia, Avenue, Suite G-2
Roswell, New Mexico 88201
(575) 622-4121 ext. 15110

Counsel for the Defendant

Anna Marie Bell
United States Attorney's Office
500 South Taylor Street, Unit 30
Amarillo, Texas 79101
(806) 324-2397
Formerly with Law Offices of the Public Defender

8. *New Mexico v. Whiteside*, No. D-504-CR-2014-107 (Dec. 21, 2017 N.M. 5th Jud. Dist.). Copy supplied.

Counsel for the Prosecution

Dianna Luce
Office of the District Attorney
Fifth Judicial District

301 Dalmont
Hobbs, New Mexico 88240
(575) 397-2471 ext. 15306

Counsel for the Defendant

Gary C. Mitchell
P.O. Box 2460
Ruidoso, New Mexico 88355
(575) 257-3070

9. *David Warner v. Carolyn Wallace, et. al.*, No. D-1226-CV-2014-37 (Mar. 16, 2015 N.M. 5th Jud. Dist.). Copy supplied.

Counsel for the Plaintiff

None

Counsel for the Defendant Evelyn Sappington

William N. Griffin
P.O. Box 643
Ruidoso, New Mexico 88355
(575) 257-5426

10. *Wulf v. Wulf*, No. DM-2010-104 (Feb. 15, 2017 N.M. 5th Jud. Dist.). Copy supplied.

Counsel for the Plaintiff

Barbara A. Patterson
P.O. Box 4461
Roswell, New Mexico 88202
(575) 622-0068

Counsel for the Defendant

Jonathan Roehlk
Henninghausen & Olsen, LLP
P.O. Box 1415
Roswell, New Mexico 88202
(575) 624-2463

- e. Provide a list of all cases in which certiorari was requested or granted.

New Mexico v. Lucero, No. D-504-CR-2014-382 (N.M. 5th Jud. Dist.), *aff'd*, No. S-1-SC-36128, 2018 WL 935407 (N.M. Feb. 19, 2018).

Barry Freedman, on behalf of Ute Lake Ranch, Inc. v. Bd. of Cnty. Comm'rs Quay Cnty., No. D-1010-CV-2015-41 (N.M. 10th Jud. Dist.), *cert denied*, No. S-1-SC-36198 (N.M. Dec. 12, 2016).

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

None.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

Every decision that I have made as a District Judge for the State of New Mexico is unpublished. All decisions are filed by docket number and stored electronically on the Odyssey system maintained by the State of New Mexico Fifth Judicial District Court. Paper copies of all decisions are stored by docket number in files maintained at the Chaves County Courthouse, 400 North Virginia Avenue, Roswell, New Mexico 88201. I believe that I have more than five hundred opinions filed and stored in this manner.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

New Mexico v. Macias, No. D-504-CR-2010-398 (Apr. 22, 2015 N.M. 5th Jud. Dist.). Copy supplied.

New Mexico v. Hood, No. D-504-CR-2013-483 (July 10, 2015 N.M. 5th Jud. Dist.) (dismissing two counts). Copy supplied.

New Mexico v. Hood, No. D-504-CR-2013-483 (July 10, 2015 N.M. 5th Jud. Dist.) (denying motion to dismiss on speedy trial claim). Copy supplied.

New Mexico v. Whiteside, No. D-504-CR-2014-107 (Dec. 21, 2017 N.M. 5th Jud. Dist.). Copy supplied.

New Mexico v. Bouslaugh, No. D-504-LR-2018-78 (Jan. 3, 2019 N.M. 5th Jud. Dist.). Copy supplied.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

None.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

Rule 1-088.1 of the New Mexico Rules Annotated allows a party to excuse a judge peremptorily without stating cause.

The Fifth Judicial District is a very small community. I am diligent in my efforts to avoid any appearance of impropriety. I have supplied a list of sua sponte recusals with the requested information.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

As described above, I serve as a State District Court Judge, and I previously served as a United States Magistrate Judge and as an Assistant District Attorney and Trial Prosecutor. I was appointed by Governor Susana Martinez as a Regent to the New Mexico Military Institute Board of Regents, from March 4, 2013, to August 31, 2014.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

None.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I did not serve as a clerk to a judge.

- ii. whether you practiced alone, and if so, the addresses and dates;

I practiced alone for approximately four months between February 1990 and June 1990. The address for the practice was 206 Tooele, White Sands Missile Range, New Mexico 88002.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1990 – 1991
Cutter & Riggs, P.C.
129 South Downtown Mall
Las Cruces, New Mexico 88001
Attorney

1991 – 1993
State of New Mexico Third Judicial District Attorney
845 North Motel Boulevard, Suite D
Las Cruces, New Mexico 88007
Assistant District Attorney

1993 – 1994
Children, Youth and Families Department
State of New Mexico
4 Grand Avenue Plaza
Roswell, New Mexico 88201
Children's Court Attorney

1994 – 1999

State of New Mexico Fifth Judicial District Attorney
400 North Virginia, Suite G-2
Roswell, New Mexico 88201
Senior Trial Prosecutor

1999 – 2004

Sanders, Bruin, Coll & Worley, P.A.
701 West Country Club Road
Roswell, New Mexico 88201
Associate Attorney

2001 – 2014

United States District Court – District of New Mexico
333 Lomas Boulevard NW
Albuquerque, New Mexico 87102
United States Magistrate Judge (part-time)

2002 – 2014

Eastern New Mexico University – Roswell
52 University Boulevard
Roswell, New Mexico 88203
Adjunct Professor

2005 – 2006

New Mexico Highlands University – Roswell
1005 Diamond Street
Las Vegas, New Mexico 87701
Adjunct Professor

2006 – 2012

Self-employed (part-time)
P.O. Box 236
Roswell, New Mexico 88202
Special master and mediator

2014 – present

State of New Mexico Fifth Judicial District Court
400 North Virginia Avenue
Roswell, New Mexico 88201
District Court Judge, Division VIII

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

None.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

The general character of my law practice has been diverse over the period of my career. I have significant experience in litigation. My legal experience was mainly criminal in nature from 1990 through 1999. I prosecuted violent felony cases. I spent one year during that time in the practice of civil law with litigation as a Children's Court Attorney for the State of New Mexico Children, Youth & Families Department. From 1999 through 2004, I practiced exclusively in the civil arena with a focus on domestic law, probate law, and all types of civil litigation. From 2004 until I became a District Judge for the State of New Mexico Fifth Judicial District, the majority of my cases were criminal in nature.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

1990 – 1999

My area of practice was mainly criminal law with significant litigation. My client was the State of New Mexico. I served victims of crime. I also served abused and neglected children.

1999 – 2004

My area of practice was mainly civil law with an emphasis on domestic law, probate law and civil litigation. I served the client by whom my firm was retained. Clientele ranged from individuals and small business to large businesses. I also served the abused and neglected children of Chaves County as Guardian ad Litem.

2001 – 2014

I served as a United States Magistrate Judge (Part-time). I served the people of the District of New Mexico and had no clients.

2014 – present

I serve as a general jurisdiction judge with the State of New Mexico Fifth Judicial District. I serve the people of the Fifth Judicial District and have no clients.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

I estimate that eighty percent of my career has involved litigation. I have appeared in court weekly, if not daily, throughout that time.

i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|------|
| 1. federal courts: | 0% |
| 2. state courts of record: | 100% |
| 3. other courts: | 0% |
| 4. administrative agencies: | 0% |

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 40% |
| 2. criminal proceedings: | 60% |

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I estimate that I have tried approximately five hundred cases to verdict, judgment or final decision as sole counsel.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 10% |
| 2. non-jury: | 90% |

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation**: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- the date of representation;
- the name of the court and the name of the judge or judges before whom the case was litigated; and
- the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *New Mexico v. Harris*, No. D-504-CR-1996-157 (N.M. 5th Jud. Dist.).

Defendant murdered a man in a jealous rage and hid the body. The body was not discovered for several months. I represented the State of New Mexico in this matter in 1996. I handled all aspects of the prosecution from investigation through sentencing. The defendant was convicted of Second Degree Murder, Aggravated Burglary and Tampering with Evidence. The presiding judge was Hon. William P. Johnson.

Opposing Counsel

Richard Gallagher
Retired

2. *New Mexico v. Bertrand*, No. D-504-CR-1996-267 (N.M. 5th Jud. Dist.).

Defendant committed criminal sexual penetration on his infant child. I represented the State of New Mexico in this matter from 1996 to 1997. I handled all aspects of the prosecution from investigation through sentencing. The defendant was convicted of Criminal Sexual Penetration. The presiding judge was Hon. William P. Johnson.

Co-counsel

Genanne V. Anderson
Deceased

Opposing Counsel

Jesse R. Cosby
Deceased

3. *New Mexico v. Torres*, No. D-504-CR-1996-75 (N.M. 5th Jud. Dist.).

The defendant fired a gun into a New Year's Eve party as part of gang retaliation. I represented the State of New Mexico in this matter from 1996 to 1997. I handled all aspects of the prosecution from investigation through sentencing. The defendant was convicted of First Degree Murder. The presiding judge was Hon. Alvin F. Jones.

Opposing Counsel

Richard Gallagher
Retired

4. *New Mexico v. Brooks*, No. D-504-CR-1996-137 (N.M. 5th Jud. Dist.).

Defendant was the maintenance man at an apartment complex. He spied on and committed criminal sexual penetration on an occupant of the complex. I represented the

State of New Mexico in this matter from 1996 to 1997. I handled all aspects of the prosecution from investigation through sentencing. The defendant was convicted of Criminal Sexual Penetration, Aggravated Burglary and Burglary. The presiding judge was Hon. William P. Johnson.

Opposing Counsel

Thomas Dow
6301 Indian School NE #710
Albuquerque, New Mexico 87110
(505) 803-2845

5. *New Mexico v. Sigler*, No. D-504-CR-1997-116 (N.M. 5th Jud. Dist.).

Defendant created and possessed child pornography. His grandson was a victim. I represented the State of New Mexico in this matter from 1996 to 1997. I handled all aspects of the prosecution from investigation through sentencing. The defendant was convicted of Criminal Sexual Penetration, Aggravated Burglary and Burglary. The presiding judge was Hon. Alvin F. Jones.

Opposing Counsel

Richard Gallagher
Retired

6. *New Mexico v. Thompson*, No. D-504-CR-1997-171 (N.M. 5th Jud. Dist.).

Defendant committed criminal sexual penetration on his daughter. I represented the State of New Mexico in this matter from 1996 to 1997. I handled all aspects of the prosecution from investigation through sentencing. The defendant was convicted of Criminal Sexual Penetration. The presiding judge was Hon. William P. Lynch.

Opposing Counsel

Brian Pori
Office of the Federal Public Defender
111 Lomas Boulevard NW, Suite 501
Albuquerque, New Mexico 87102
(505) 346-2489

7. *New Mexico v. Saldana*, No. D-504-CR-1997-209 (N.M. 5th Jud. Dist.).

Defendant murdered his wife in the home with his children present and attempted to hide the body. I represented the State of New Mexico in this matter from 1996 to 1997. I handled all aspects of the prosecution from investigation through sentencing. Defendant was convicted of Murder in the Second Degree and Tampering with Evidence. The presiding judge was Hon. William P. Johnson.

Opposing Counsel

Richard Gallagher
Retired

8. *New Mexico v. Renteria*, No. D-504-CR-1998-50 (N.M. 5th Jud. Dist.).

Defendant committed criminal sexual penetration on a child under the age of 13. I represented the State of New Mexico in this matter in 1998. I handled all aspects of the prosecution from investigation through sentencing. The presiding judge was Hon. William P. Lynch.

Opposing Counsel

Richard Gallagher
Retired

9. *In re J. N. and R.N.*, No. D-504-JQ-2002-15 (N.M. 5th Jud. Dist.).

Brothers were taken from parents due to abuse or neglect. I represented the brothers as Guardian ad Litem from 2002 to 2004. I protected their interests in and out of court from the time they came into custody until the time they were adopted. The presiding judge was Hon. William P. Lynch.

Opposing Counsel

Henry D. Dickson
400 East College Boulevard #A
Roswell, New Mexico 88201
(575) 623-0375

10. *In re C.B.*, No. D-504-JQ-1996-19 (N.M. 5th Jud. Dist.).

I represented the child as Guardian ad Litem from 1999 to 2004. I protected his interests in and out of court until I left the position. The presiding judge was Hon. Alvin F. Jones.

Opposing Counsel

Jon D. Hendra
901 De Baca Street
Carlsbad, New Mexico 88220
(575) 699-2729

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List

any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

The majority of my legal activities involved cases that progressed to trial or involved litigation in some form. I have disclosed the most significant such cases above. I routinely served the courts in a pro bono capacity while in private practice. I have served on the boards of several charitable organizations whose missions are to serve the justice system. While on the bench, I have worked with the judicial system to ensure accessibility to all who seek the legal protection the law provides. I regularly meet with community agencies whose services are necessary and beneficial to both the individuals they serve and the courts who appoint them.

I have not performed lobbying on behalf of any client or organization, and I am not and have never been registered as a lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

2013 – 2014: Criminal Justice 215 – Introduction to Policing, Eastern New Mexico University – Roswell. This class taught an overview of policing and the effects of policing on the community. I have been unable to locate any syllabi.

2001 – 2002, 2014: Criminal Justice 233 – Juvenile Justice, Eastern New Mexico University – Roswell. This class taught an overview of the juvenile justice system from inception to present. I have been unable to locate any syllabi.

2008, 2012 – 2013: Criminal Justice 289 – Criminal Law, Eastern New Mexico University – Roswell. This class taught a general overview of state and federal criminal law. I have been unable to locate any syllabi.

2008 – 2009: Criminal Justice 205 – Criminal Procedure, Eastern New Mexico University – Roswell. This class taught a general overview of the use of criminal procedure in the criminal justice system. I have been unable to locate any syllabi.

2006 – 2009, 2011: Law and Ethics in Social Work, New Mexico Highlands University – Roswell. This class focused on teaching the practical application of ethical rules. I have been unable to locate any syllabi.

2001 - 2002: Criminal Justice 235 – Law of Evidence, Eastern New Mexico University – Roswell. This class taught an overview of the laws of evidence and their application. I have been unable to locate any syllabi.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have a 457 deferred compensation account with the State of New Mexico. I will begin withdrawing amounts from the deferred compensation plan after retirement.

I have a Thrift Savings Plan from my time as a United States Magistrate Judge. I will begin withdrawing amounts from the deferred compensation plan after retirement.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I do not have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during my service with the Court.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I am unaware of any family members, other persons, parties, categories of litigation, or financial arrangements that are likely to present potential conflicts of interest. However, if confirmed, I will recuse in any litigation where I have played a role in representing or advising any party to the litigation. I will also recuse myself in matters involving my family or financial interests. I will remain vigilant for real or potential conflicts or relationships that could give rise to an

appearance of conflict. Potential conflicts must be evaluated on a case-by-case basis. I will determine the appropriate action after review of the canons of ethics and consultation with the parties. If necessary, I will recuse.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

When confronted by any potential conflict of issue, I will comply with the Code of Conduct for United States Judges and applicable statutes, including 28 U.S.C. § 455. I will be guided by Tenth Circuit precedent, procedures and policies. If appropriate, I would notify and consult with all parties of the potential conflict of interest and determine the appropriate resolution. If appropriate, I will recuse.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

While in private practice, I routinely accepted pro bono domestic and guardianship cases referred by the Court or other agencies. I also routinely served pro bono as Guardian ad litem in complex custody litigation to assist the Court in determining and protecting the best interests of children.

Since taking the bench, I have worked with local agencies to refine a system which makes filing guardianships more accessible to individuals who cannot afford legal counsel. I have also worked with local agencies to make implementation of the New Mexico Real ID Act easier more accessible to the public. I have endeavored to make the judicial system less complicated and more accessible to all.

I have also donated my time with local agencies such as Mock Trial and Law Day to encourage the next generation of lawyers.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

Towards the end of 2017, I learned that two District Judge positions with the

United States District Court of New Mexico were going to be open. I submitted my application for both positions in February 2018 to Senator Tom Udall and Representative Stevan E. Pearce. Subsequent to applying, I interviewed with Representative Pearce, Senator Udall, and Senator Martin Heinrich's staff. In late April 2018, I learned that my name along with the names of three other candidates would be submitted for consideration for each position to the President of the United States. I was contacted by Office of White House Counsel staff to schedule an interview. I interviewed with staff of the Office of White House Counsel and the Department of Justice in the Executive Office Building, Washington, D.C., in May 2018. On February 19, 2019, the Office of White House Counsel contact me to confirm my continued interest in the positions. On February 25, 2019, the Office of White House Counsel contact me regarding the vacant position in Albuquerque, New Mexico. On the same date, I received paperwork that needed to be completed from the Office of White House Counsel. Since February 20, 2019, I have been in contact with Justice Department staff regarding the nomination paperwork.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

FINANCIAL DISCLOSURE REPORT NOMINATION FILING

Report Required by the Ethics
in Government Act of 1978
(5 U.S.C. app. §§ 101-111)

1. Person Reporting (last name, first, middle initial) Riggs, Kca W.	2. Court or Organization U. S. District Court, New Mexico	3. Date of Report 05/15/2019
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) U.S. District Judge - Nominee	5a. Report Type (check appropriate type) ☒ Nomination Date 05/13/2019 ☐ Initial ☐ Annual ☐ Final 5b. ☐ Amended Report	6. Reporting Period 11/15/2017 to 05/15/2019
7. Chambers or Office Address Fifth Judicial District Court 400 North Virginia P.O. Box 1776 Roswell, NM 88202		
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information.		

I. POSITIONS. (Reporting individual only; see pp. 9-13 of filing instructions.)

☐ NONE (No reportable positions.)

<u>POSITION</u>	<u>NAME OF ORGANIZATION/ENTITY</u>
1. District Judge, Division VIII	State of New Mexico Fifth Judicial District
2.	
3.	
4.	
5.	

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)

☒ NONE (No reportable agreements.)

<u>DATE</u>	<u>PARTIES AND TERMS</u>
1.	
2.	
3.	

FINANCIAL DISCLOSURE REPORT

Page 2 of 8

Name of Person Reporting

Riggs, Kea W.

Date of Report

05/15/2019

III. NON-INVESTMENT INCOME. *(Reporting individual and spouse; see pp. 17-24 of filing instructions.)***A. Filer's Non-Investment Income**☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>	<u>INCOME</u> (yours, not spouse's)
1. 2019 YTD	State of New Mexico, Salary for District Judge	\$38,828.80
2. 2018	State of New Mexico, Salary for District Judge	\$121,693.60
3.		
4.		

B. Spouse's Non-Investment Income - *If you were married during any portion of the reporting year, complete this section.**(Dollar amount not required except for honoraria.)*☐ NONE *(No reportable non-investment income.)*

<u>DATE</u>	<u>SOURCE AND TYPE</u>
1. 2019	Chaves County, Salary for County Manager
2. 2018	Chaves County, Salary for County Manager
3.	
4.	

IV. REIMBURSEMENTS -- *transportation, lodging, food, entertainment.**(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)*☐ NONE *(No reportable reimbursements.)*

<u>SOURCE</u>	<u>DATES</u>	<u>LOCATION</u>	<u>PURPOSE</u>	<u>ITEMS PAID OR PROVIDED</u>
1. Exempt				
2.				
3.				
4.				
5.				

FINANCIAL DISCLOSURE REPORT

Page 3 of 8

Name of Person Reporting

Riggs, Kea W.

Date of Report

05/15/2019

V. GIFTS. *(Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)*☐ NONE *(No reportable gifts.)*

	<u>SOURCE</u>	<u>DESCRIPTION</u>	<u>VALUE</u>
1.	Exempt		
2.			
3.			
4.			
5.			

VI. LIABILITIES. *(Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)*☒ NONE *(No reportable liabilities.)*

	<u>CREDITOR</u>	<u>DESCRIPTION</u>	<u>VALUE CODE</u>
1.			
2.			
3.			
4.			
5.			

FINANCIAL DISCLOSURE REPORT

Page 4 of 8

Name of Person Reporting

Riggs, Kea W.

Date of Report

05/15/2019

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
1. Pioneer Bank Checking Account		None	J	T					
2. Pioneer Bank Savings Account	A	Interest	K	T					
3. Investment Account 1 (H)									
4. American AMCAP CL C	A	Dividend	J	T					
5. American Fundamental Investors CL C	A	Dividend	J	T					
6. American Growth Fund of America CL C	A	Dividend	J	T					
7. Investment Account 2 (H)									
8. Amazon Stock	A	Dividend	J	T					
9. Ball Corp Stock	A	Dividend	J	T					
10. Estee lauder Co. Inc. CL A Stock	A	Dividend	J	T					
11. Illumina Inc. Stock	A	Dividend	J	T					
12. Lowes Co. Inc. Stock	A	Dividend	J	T					
13. McDonalds Corp. Stock	A	Dividend	J	T					
14. Omega Healthcare Investors Stock	A	Dividend	J	T					
15. First Trust Equity Income M.E. Unit Trust	A	Dividend	J	T					
16. American Small Cap World Fund Inc.	A	Dividend							
17. American Fundamental Investors CL F3	A	Dividend	J	T					

1. Income Gain Codes:

(See Columns B1 and D4)

2. Value Codes

(See Columns C1 and D3)

3. Value Method Codes

(See Column C2)

A = \$1,000 or less

F = \$50,001 - \$100,000

J = \$15,000 or less

N = \$250,001 - \$500,000

P3 = \$25,000,001 - \$50,000,000

Q = Appraisal

U = Book Value

B = \$1,001 - \$2,500

G = \$100,001 - \$1,000,000

K = \$15,001 - \$50,000

O = \$500,001 - \$1,000,000

R = Cost (Real Estate Only)

V = Other

C = \$2,501 - \$5,000

H1 = \$1,000,001 - \$5,000,000

L = \$50,001 - \$100,000

P1 = \$1,000,001 - \$5,000,000

P4 = More than \$50,000,000

S = Assessment

W = Estimated

D = \$5,001 - \$15,000

H2 = More than \$5,000,000

M = \$100,001 - \$250,000

P2 = \$5,000,001 - \$25,000,000

T = Cash Market

E = \$15,001 - \$50,000

FINANCIAL DISCLOSURE REPORT

Page 5 of 8

Name of Person Reporting

Riggs, Kea W.

Date of Report

05/15/2019

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-H)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-P)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date mm/dd/yy	(3) Value Code 2 (J-P)	(4) Gain Code 1 (A-H)	(5) Identity of buyer/seller (if private transaction)
18. American Growth Fund of America CL F3	A	Dividend	J	T					
19. Franklin Dynatech CL R6	A	Dividend	J	T					
20. American Short Term Bond Fund	A	Dividend							
21. Vanguard Short Term Bond ETF	A	Dividend							
22. Vanguard Inter Term BD ETF	A	Dividend	J	T					
23. Vanguard Total BD Market ETF	A	Dividend	J	T					
24. Investment Account 3 (H)									
25. American FDS Developing World Growth and Income Fund CL F3	A	Dividend							
26. American Europacific Growth CL F3	A	Dividend	J	T					
27. American Fundamental Investors CL F3	A	Dividend	J	T					
28. American Growth Fund of America CL F3	A	Dividend	J	T					
29. American New Economy CL F3	A	Dividend	J	T					
30. Federated Government Obligations CL PRM	A	Dividend	J	T					
31. Franklin Dynatech CL R6	A	Dividend	J	T					
32. Hartford Midcap CL F	A	Dividend	J	T					
33. Lord Abbett Value Opportunites CL F3	A	Dividend	J	T					
34. MFS Mid Cap Growth CL R6	A	Dividend	J	T					

1. Income Gain Codes: (See Columns B1 and D4)	A = \$1,000 or less P = \$50,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P3 = \$25,000,001 - \$50,000,000	B = \$1,001 - \$2,500 G = \$100,001 - \$1,000,000 K = \$15,001 - \$50,000 O = \$500,001 - \$1,000,000	C = \$2,501 - \$5,000 H1 = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P1 = \$1,000,001 - \$5,000,000 P4 = More than \$50,000,000	D = \$5,001 - \$15,000 H2 = More than \$5,000,000 M = \$100,001 - \$250,000 P2 = \$5,000,001 - \$25,000,000	E = \$15,001 - \$50,000
2. Value Codes (See Columns C1 and D3)	Q = Appraisal U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessment W = Estimated	T = Cash Market	
3. Value Method Codes (See Column C2)					

FINANCIAL DISCLOSURE REPORT

Page 6 of 8

Name of Person Reporting

Riggs, Kea W.

Date of Report

05/15/2019

VII. INVESTMENTS and TRUSTS -- income, value, transactions (Includes those of spouse and dependent children; see pp. 34-60 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "(X)" after each asset exempt from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1)	(2)	(1)	(2)	(1)	(2)	(3)	(4)	(5)
	Amount Code 1 (A-H)	Type (e.g., div., rent, or int.)	Value Code 2 (J-P)	Value Method Code 3 (Q-W)	Type (e.g., buy, sell, redemption)	Date mm/dd/yy	Value Code 2 (J-P)	Gain Code 1 (A-H)	Identity of buyer/seller (if private transaction)
35. Investment Account 4 (H)									
36. College America 529 Fundamental Investors CL A	B	Dividend	J	T					
37. College America 529 Capital Income Builder CL A	B	Dividend	J	T					
38. College America 529 Capital World Growth & Income CL A	B	Dividend	J	T					
39. Retirement Accounts (H)									
40. New Mexico LifeCycle 2025 Portfolio	B	Dividend	M	T					
41. New Mexico LifeCycle 2025 Portfolio	A	Dividend	J	T					

1. Income Gain Codes:
(See Columns B1 and D4)

2. Value Codes
(See Columns C1 and D3)

3. Value Method Codes
(See Column C2)

A = \$1,000 or less

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H1 = \$1,000,001 - \$5,000,000

L = \$50,001 - \$100,000

P1 = \$1,000,001 - \$5,000,000

P4 = More than \$50,000,000

S = Assessment

W = Estimated

D = \$5,001 - \$15,000

H2 = More than \$5,000,000

M = \$100,001 - \$250,000

P2 = \$5,000,001 - \$25,000,000

T = Cash Market

E = \$15,001 - \$50,000

FINANCIAL DISCLOSURE REPORT

Page 7 of 8

Name of Person Reporting

Riggs, Kea W.

Date of Report

05/15/2019

VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of report.)*

FINANCIAL DISCLOSURE REPORT

Page 8 of 8

Name of Person Reporting

Riggs, Kea W.

Date of Report

05/15/2019

IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et. seq., 5 U.S.C. § 7353, and Judicial Conference regulations.

Signature: s/ Kea W. Riggs

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILLFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

Committee on Financial Disclosure
Administrative Office of the United States Courts
Suite 2-301
One Columbus Circle, N.E.
Washington, D.C. 20544

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		25	597	Notes payable to banks-secured (auto)		19	994
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities – see schedule		147	844	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – see schedule		133	432
Real estate owned – see schedule		287	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		114	165	Home Depot Credit Card			
Cash value-life insurance							
Other assets itemize: - see schedule		860	101				
				Total liabilities		153	426
				Net Worth	1	281	281
Total Assets	1	434	707	Total liabilities and net worth	1	434	707
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities

American AMCAP CL C Mutual Fund	\$ 6,255
American Fundamental Investors America CL C Mutual Fund	6,320
American Growth Fund of America CL C	6,241
American Growth Fund Portfolio CL C	6,251
American Fundamental Investors CL F3	9,878
American Growth Fund of America CL F3	9,895
Franklin Dynatech CL R6	9,489
Vanguard Inter Term BD ETF	5,152
Vanguard Total BD Market ETF	5,144
American Europacific Growth CL F3	4,339
American Fundamental Investors CL F3	4,298
American Growth Fund of America CL F	4,262
American New Economy CL F3	4,385
Federated Government Obligations CL PRM	672
Franklin Dynatech CL R6	4,808
Hartford Midcap CL F	2,020
Lord Abbett Value Opportunities CL F3	1,891
MFS MID CAP Growth CL R6	2,086
College America 529 Fundamental Investors CL A	6,224
College America 529 Capital Income Builder CL A	7,147
College America 529 Capital World Growth & Income CL A	8,254
Amazon Stock	5,887
Ball Corp Stock	3,360
Estee Lauder Companies Inc CL A Stock	2,631
Illumina Inc Stock	2,929
Lowes Companies Inc Stock	1,139
McDonalds Corp Stock	5,040
Omega Healthcare Investors Stock	2,858
First Trust Equity Income Monthly Reinvestment Unit Trust	<u>8,989</u>
Total Listed Securities	\$147,844

Real Estate Owned

Personal Residence	<u>\$287,000</u>
Total Real Estate Owned	\$287,000

Other Assets

NM Public Employees Retirement Account	59,838
NM Public Employees Retirement Account	515,496

Federal Thrift Savings Plan Individual Funds	157,745
New Mexico LifeCycle 2025 Portfolio Account	10,996
New Mexico LifeCycle 2025 Portfolio Account	<u>116,026</u>
Total Other Assets	\$860,101

<u>Real Estate Mortgage Payable</u>	
Personal Residence Mortgage	<u>\$133,432</u>
Total Real Estate Mortgage Payable	\$133,432

AFFIDAVIT

I, Kea W. Riggs, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

5/3/19

(DATE)

Kea W. Riggs

(NAME)

[Signature]

(NOTARY)

Notary Expires 8-10-2022