

ENDORSED COPY

✍

FILED
2011 MAY 13 PM 9:20
DISTRICT COURT
DONA ANA COUNTY, NM

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD JUDICIAL DISTRICT

STATE OF NEW MEXICO,

Plaintiff,

vs.

MICHAEL MURPHY,

Defendant.

No. D-307-CR-2011 560
Judge: *JC Robinson*

CHARGES:

- Count I: Demanding or Receiving Bribe by Public Officer or Public Employee**
- Count II: Bribery of a Public Officer or Employee**
- Count III: Criminal Solicitation**
- Count IV: Bribery, Intimidation or Retaliation of a Witness**

GRAND JURY INDICTMENT

THE GRAND JURY CHARGES:

Count 1: **Demanding or Receiving Bribe by Public Officer or Public Employee**, on or about September 13, 2007, in Dona Ana County, New Mexico, the above-named defendant, did, directly or indirectly, solicit anything of value, with the intent to have his decision or action on any question, matter, cause, proceeding or appointment influenced thereby and which by law is pending or might be brought before him in his official capacity, a third degree felony, contrary to Section 30-24-2, NMSA 1978.

Count 2: **Bribery of Public Officer or Employee**, on or about September 14, 2007, in Dona Ana County, the above-named defendant, did, directly or indirectly, give or offer to give something of value to a public officer or employee, with intent to induce or influence that public officer or employee to give or render any official opinion, judgment or decree, or to be more favorable to one party than to the other in any cause, action, suit, election, appointment, matter or thing pending or to vote or withhold his or her vote on any question, matter or proceeding which is then or may hereafter be pending and/or which may, by law, come or be brought before him or her in their public capacity, a third degree felony, contrary to Section 30-24-1, NMSA 1978.

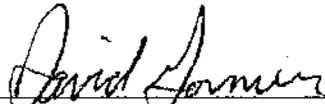
Count 3: **Criminal Solicitation**, on or about September 14, 2007, in Dona Ana County, the above-named defendant intended that another person engage in conduct constituting a felony crime, (Demanding a Bribe by a Public Officer pursuant to Section 30-24-2, NMSA 1978), by soliciting, commanding, requesting, inducing, employing or otherwise attempting to promote or

facilitate another person to engage in conduct constituting a felony within or outside of the state, a fourth degree felony, contrary to Section 30-28-3, NMSA 1978.

Count 4: **Bribery, Intimidation or Retaliation of a Witness**, on or between September 24, 2007 and October 1, 2007, the above-named defendant did intimidate or threaten any witness or person likely to become a witness in any judicial, administrative, legislative or other official cause or proceeding for the purpose of preventing such individual(s) from testifying to any fact, to abstain from testifying or to testify falsely, a third degree felony, contrary to Section 30-24-3(A)(2), NMSA 1978.

The names of the witnesses upon whose testimony this Indictment is based are Lisa Schultz, Beverly Singleman, Edgar Lopez, James Martin, Norm Osburn, Stephen Bridgeforth.

I hereby certify that the foregoing instrument is a True Bill.



FOREPERSON

DATE: 5/13/11

APPROVED:



MATTHEW CHANDLER
Special Prosecutor, Ninth Judicial District Attorney
Ninth Judicial District Attorney's Office
417 Gidding, Suite 200
Clovis, New Mexico 88101
(575) 769-2246

| | | | | | | | | |
|---|--------------------|-------------------------------------|--|--|---------------------|-------------------------------|--|---|
| OCCURRENCE DATE(S) ON: 09/13/07 BETWEEN: 02/01/11 | | DATE REPORTED MM/DD/YY: 09/13/07 | STATE OF NEW MEXICO UNIFORM INCIDENT REPORT | | ORI NO.: NM 005015A | INCIDENT NO.: 11DA-120 | PAGE: 1 | OF: 1 |
| MM/DD/YY: 09/13/07 | MM/DD/YY: 02/01/11 | MM/DD/YY: 09/13/07 | AGENCY/COUNTY: 9th Judicial District Attorney | | DISTRICT NO.: N/A | OPTIONAL USE (CASE NO. ETC.): | BURGLARY FORCE: <input type="checkbox"/> | NO. UNIT: <input checked="" type="checkbox"/> |
| TIME: on | DAY: Thu | TIME: Tues | ADDRESS/LOCATION: 2960 N. Main (Spanish Kitchen) | | CITY: Las Cruces | ZIP: 88001 | GANG REL: YES <input type="checkbox"/> | BIAS: <input checked="" type="checkbox"/> |

| OFFENSE | ADDL | OFFENSE / INCIDENT | STATUTE OR ORDINANCE | FEL MISD. | ATTEMPTED | COMP. KEYED | UCR OFFENSE CODE | CRIM. ACTIVITY | LOCAT. CODE | WEAPON CODE | OFFENDER SUSPECT OF USING | | | | |
|---------|------|---|----------------------|-----------|-----------|-------------|------------------|----------------|-------------|-------------|---------------------------|------|-------|------|---|
| | | | | | | | | | | | ALCOH. | DRUG | COMP. | UNK. | |
| | | Demanding or Receiving a Bribe by public officer or public employee | 30-24-2 | Fel | | X | | | | | | | | | X |
| | | Ethical Principles of public service | 10-16-3 B | Fel | | X | | | | | | | | | X |
| | | | | | | | | | | | | | | | |

| PERSONS / BUSINESSSES | PERSON TYPE | INJURY | 3-NAME (LAST, FIRST, MIDDLE) | SOC. SEC. NO. | DOB | AGE | SEX | WHT | BLK | ASIA | IND | UNK | ARMED WITH (SEE CODES) | | | |
|-----------------------|----------------------|--------|---|-------------------------|------------|--------------------|------------------------|------|---------|------|-------------|-----|------------------------|-------|-------|--|
| | | | | | | | | | | | | | ON VIEW | CITED | CUST. | |
| | I | N | Singleman, Beverly | | | | F | X | | | | | | | | |
| | STREET ADDRESS | | RES. PHONE | HEIGHT | WEIGHT | HAIR | EYES | HISP | NON | UNK | AGG ASSAULT | | | | | |
| | CITY | | STATE | ZIP | BUS. PHONE | VICTIM OF OFF. NO. | SUSP | REL | SUSP | REL | SUSP | REL | | | | |
| | OCCUPATION | | EMPLOYER/SCHOOL | EMPLOYER/SCHOOL ADDRESS | | GANG AFFILIATION | | | | | | | | | | |
| | ALIAS / NICKNAME | | MARKS, SCARS, TATTOOS AND/OR CLOTHING DESCRIPTION | | | | ARMED WITH (SEE CODES) | | ON VIEW | | | | CITED | CUST. | | |
| | DRIVER'S LICENSE NO. | | D.L. STATE | ARREST/CITATION NO. | F.B.I. NO. | S.I.D. NO. | NIC NO. | | RES | | NON | | | | | |
| | I | N | Martin, James T | | | | M | X | | | | | | | | |
| | STREET ADDRESS | | RES. PHONE | HEIGHT | WEIGHT | HAIR | EYES | HISP | NON | UNK | AGG ASSAULT | | | | | |
| | CITY | | STATE | ZIP | BUS. PHONE | VICTIM OF OFF. NO. | SUSP | REL | SUSP | REL | SUSP | REL | | | | |
| | OCCUPATION | | EMPLOYER/SCHOOL | EMPLOYER/SCHOOL ADDRESS | | GANG AFFILIATION | | | | | | | | | | |
| | ALIAS / NICKNAME | | MARKS, SCARS, TATTOOS AND/OR CLOTHING DESCRIPTION | | | | ARMED WITH (SEE CODES) | | ON VIEW | | | | CITED | CUST. | | |
| | DRIVER'S LICENSE NO. | | D.L. STATE | ARREST/CITATION NO. | F.B.I. NO. | S.I.D. NO. | NIC NO. | | RES | | NON | | | | | |
| | I | N | Schultz, Lisa | | | | F | X | | | | | | | | |
| | STREET ADDRESS | | RES. PHONE | HEIGHT | WEIGHT | HAIR | EYES | HISP | NON | UNK | AGG ASSAULT | | | | | |
| | CITY | | STATE | ZIP | BUS. PHONE | VICTIM OF OFF. NO. | SUSP | REL | SUSP | REL | SUSP | REL | | | | |
| | OCCUPATION | | EMPLOYER/SCHOOL | EMPLOYER/SCHOOL ADDRESS | | GANG AFFILIATION | | | | | | | | | | |
| | ALIAS / NICKNAME | | MARKS, SCARS, TATTOOS AND/OR CLOTHING DESCRIPTION | | | | ARMED WITH (SEE CODES) | | ON VIEW | | | | CITED | CUST. | | |
| | DRIVER'S LICENSE NO. | | D.L. STATE | ARREST/CITATION NO. | F.B.I. NO. | S.I.D. NO. | NIC NO. | | RES | | NON | | | | | |

| VEHICLE | ADDL | VEHICLE STATUS | 1-STOLEN (UNARMED) | 3-REG. (STOLEN LOCALLY) | 4-REG. (STOLEN OTHER JURIS) | 5-SEIZED | 6-ABANDONED | VEHICLE TYPE | 01-AIRPLANE | 02-AUTOMOBILE | 03-BUS | 04-OTHER MOTOR VEHICLE | 25-MOTOR HOME | 30-TRUCK/PICKUP | | |
|---------|--|----------------|--------------------|-------------------------|-----------------------------|----------|--------------------------------------|--------------|----------------|---------------|----------------|------------------------|---------------|-----------------|--|--|
| | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | YEAR | MAKE | MODEL | BODY STYLE | LICENSE NO. | UC YEAR | UC ST. | TOP CLR | BT CLR | VAL/JER/DAM | | | | | | |
| | REGISTERED OWNER'S NAME (OR SAME AS SUBJECT NO.) | | | | VIN | | DISTINGUISHING FEATURES/31B-E DAMAGE | | | | | | | | | |
| | ADDRESS | | | | TOW TO / BY | | | | NIC NO. | | | | | | | |
| | AGENCY OPTIONAL USE | | | | TOWED FROM | | | | OWNER NOTIFIED | | DATE RECOVERED | | TIME RECD | | | |

STATE'S EXHIBIT 1

| | | | | | | | | | | | | |
|---------------------|-----------------------|---|---|--|---|---|--|--|----------|----------------|-----------------|---------------|
| PROPERTY | PROPERTY STATUS | | 1- STOLEN 2- STOLEN & RECOVERED 3- RECOVERED (STOLEN THEFT - URS) | 4- RECOVERED (STOLEN OTHER JURIS) 5- VEHICLE 6- D&T | 7- FOUND 8- COUNTERFEIT/FORGE 9- DAMAGED/DESTROYED/VANDALIZED | 10- BURNED 11- SEIZED 12- USED IN CRIME | 13- SAFOURCEPTING 14- UNKNOWN 15- EMBEZZLED | | | | | |
| | PROPERTY TYPE | | 02- ALCOHOL 04- BICYCLES 05- CLOTHES/FURS 07- COMPUTER HARDWARE/SOFTWARE 08- CONSUMABLE GOODS 09- CREDIT/DEBIT CARDS 10- DRUGS/NARCOTICS 11- DRUG/NARCOTIC EQUIPMENT | 12- FARM EQUIPMENT 13- FIREARMS 14- GAMBLING EQUIPMENT EQUIP. 16- HOUSEHOLD GOODS 17- JEWELRY/PRECIOUS METALS 18- LIVESTOCK 19- MARCHANDISE | 20- NONE / 21- NEGOTIABLE INSTRUMENTS 22- NON-NEGOTIABLE INSTRUMENTS 23- OFFICE EQUIPMENT 25- PURSE/HANDBAG/WALLETS 26- PASSPORTS/VISAS 27- RECORDINGS-AUDIO/VIDEO 29- STRUCTURES-SINGLE OCCUPANCY | 30- STRUCTURES-OTHER DWELLINGS 31- STRUCTURES-OTHER COMM/BUSINESS 32- STRUCTURES-INDUSTRIAL/MANUF. 33- STRUCTURES-PUBLIC/COMMUNITY 34- STRUCTURES-STORAGE 35- STRUCTURES-OTHER 36- TOOLS 38- VEHICLE PARTS/ACCESSORIES | 40- SKIS/SKI EQUIPMENT 77- OTHER 81- PENDING INVENTORY 93- SPECIAL CATEGORY | | | | | |
| | DRUG TYPE | | A-CRACK B-COCAINE C-HASHISH | D-HEROIN E-MARIJUANA F-MORPHINE | G-OPIUM H-OTHER NARCOTIC I-LSD | J-PCP K-OTHER HALLUCINOGENS L-AMPH/METHAM | M-OTHER STIMULANTS N-BARBITURATES O-OTHER DEPRESSANTS | P-OTHER DRUGS U-UNKNOWN X-OVER 3 TYPES | | | | |
| | FIELD UNIT OF MEASURE | | GM-GRAM | KG-KILOGRAM | OZ-OUNCE | LB-POUND | GL-GALLON | NP-NO. PLAN | LT-LITER | FO-FLUID OUNCE | DU-DOSAGE UNITS | ML-MILLILITER |
| | 1-PROPERTY STATUS | PROPERTY TYPE | TYPE OF ITEM | | MAKE/BRAND | MODEL | CALIBER | VALUE (EXCEPT DRUGS) | | | | |
| | SUSPECTED DRUG TYPE | QUANTITY/ UNIT OF MS. | DESCRIPTION (COLOR, SIZE, FEATURES, ETC.) | | SERIAL/OAN | | DATE RECOVERED | NIC NO. | | | | |
| | 2-PROPERTY STATUS | PROPERTY TYPE | TYPE OF ITEM | | MAKE/BRAND | MODEL | CALIBER | VALUE (EXCEPT DRUGS) | | | | |
| | SUSPECTED DRUG TYPE | QUANTITY/ UNIT OF MS. | DESCRIPTION (COLOR, SIZE, FEATURES, ETC.) | | SERIAL/OAN | | DATE RECOVERED | NIC NO. | | | | |
| 3-PROPERTY STATUS | PROPERTY TYPE | TYPE OF ITEM | | MAKE/BRAND | MODEL | CALIBER | VALUE (EXCEPT DRUGS) | | | | | |
| SUSPECTED DRUG TYPE | QUANTITY/ UNIT OF MS. | DESCRIPTION (COLOR, SIZE, FEATURES, ETC.) | | SERIAL/OAN | | DATE RECOVERED | NIC NO. | | | | | |
| 4-PROPERTY STATUS | PROPERTY TYPE | TYPE OF ITEM | | MAKE/BRAND | MODEL | CALIBER | VALUE (EXCEPT DRUGS) | | | | | |
| SUSPECTED DRUG TYPE | QUANTITY/ UNIT OF MS. | DESCRIPTION (COLOR, SIZE, FEATURES, ETC.) | | SERIAL/OAN | | DATE RECOVERED | NIC NO. | | | | | |

| | | | | | | | | |
|---|--|--|--|--|--|--------------------|------------------|---------------|
| M.O. EVENT CODES: (AGENCY OPTIONAL USE) | | | | | | TOTAL VALUE STOLEN | TOTAL VALUE REC. | ADJ. ON SUPP. |
| | | | | | | \$ | \$ | |

| | |
|----------|--|
| SYNOPSIS | |
|----------|--|

NARRATIVE

During the fall of 2010, Ninth Judicial District Attorney, Matthew Chandler and his office were appointed by the Third District Attorney to conduct a criminal investigation into allegations of criminal misconduct by some Las Cruces area judges. The case was conflicted to the Ninth District Attorney. Since that time an investigation has been ongoing and continues as of this report. The individuals mentioned in the report have either been interviewed or are going to be interviewed as the investigation progresses. As further information is obtained it will be attached to this report when it becomes public record as defined by law.

| | | | | | | | | | | | | |
|--|--|--|------|----------|--|------------------------------|--|---|----------|----------|-------------------|------|
| CERTIFICATE | "I WILL PROSECUTE/TESTIFY SHOULD THE OFFENDER BE ARRESTED" | | YES | NO | "I UNDERSTAND IT IS A CRIMINAL OFFENSE TO FILE A FALSE REPORT TO POLICE" | | COMPLAINANT / VICTIM CERTIFICATION SIGNATURE | X | | DATE | | |
| | REPORTING OFFICER (PRINT) | | | RANK | I.D. NO. | DATE | DETECTIVE/FOLLOW-UP OFFICER/REFERRED TO | | | I.C. NO. | DATE | |
| | Dan Blair | | | Inv. | 906 | | PROCESSED BY | | | DATE | DATA ENTRY PERSON | DATE |
| | ASSISTING OFFICER (PRINT) | | | RANK | I.D. NO. | DATE | EXCEPTION CODE | | | DATE | DATE | |
| Dan Aguilar | | | Inv. | 907 | | EXCEPTION CODE | | | DATE | DATE | | |
| APPROVING OFFICER (PRINT) | | | RANK | I.D. NO. | DATE | EXCEPTION CODE | | | DATE | DATE | | |
| AGENCY OPTIONAL USE (DISTRIBUTION, OTHER OFFICERS, ETC.) | | | | | | CASES CLEARED BY THIS ARREST | | | CASE NO. | CASE NO. | | |
| | | | | | | | | | | | | |

Supplemental Report

Case Number: 11DA-120

Reference: Demanding or receiving a bribe by public officer or public employee; Ethical principles of public service; certain official acts prohibited

Date of Report: May 14, 2011

Investigator: Dan Blair

During the fall of 2010, Ninth Judicial District Attorney, Matthew Chandler and this office were appointed by the Third Judicial District Attorney to conduct a criminal investigation into allegations of criminal misconduct by some Las Cruces area judges.

During the initial part of the investigation, the investigative team received a sworn affidavit from Beverly Singleman, a Las Cruces attorney who had previously been appointed to the New Mexico Court of Appeals. In the affidavit Ms. Singleman offered the following information:

During the late summer of 2007, a judgeship position appeared it was going to become vacant in the Third Judicial District Court in Las Cruces, New Mexico. At that time Beverly Singleman, a licensed attorney since 1981, began inquiring about the position with the intention of applying for a possible appointment.

In early September of that year, Ms. Singleman contacted District Judge James T. Martin and asked him if he might meet with her to discuss his experience on the bench. She felt that his insight would help her decide whether she wanted to apply for the vacancy or not. Judge Martin agreed to meet with Ms. Singleman over lunch to have the discussion.

On September 13, 2007, at about noon, Ms. Singleman met with Judge Martin. Judge Martin invited Judge Michael Murphy as well. According to Ms. Singleman, during the meeting, Judge Murphy did most of the talking.

Ms. Singleman stated that at one point toward the end of the meeting, Judge Murphy advised her that there were two things that she needed to do right away if she wanted to get the support from the Democratic Party. Judge Murphy suggested that Ms. Singleman join the Dennis Chavez Club, which she had been advised to do in the past, but had not done. Judge Murphy then asked Ms. Singleman if she had enough money to make a substantial contribution.

Ms. Singleman stated that she was surprised by the question and responded to Judge Murphy that she did not. Judge Murphy then advised Ms. Singleman that she should write a check to the Democratic party every week in whatever amount she could afford and deliver it to Edgar Lopez. Ms. Singleman knew that Edgar Lopez was active in the Democratic party.

Ms. Singleman stated that she was a bit stunned by this suggestion and did not know how to respond, so she said nothing and the meeting ended.

The following day, Ms. Singleman confided in another judge, Lisa Schultz, about her conversation with Judge Murphy and his implication that donating money to the Democratic party might ensure a judicial appointment.

On February 1, 2011, an interview was conducted with Ms. Singleman where she further discussed statements she'd given in the affidavit. Ms. Singleman stated that she chose to contact and meet with Judge Martin on September 13, 2007, out of respect for him, and yet he listened to Judge Murphy's entire conversation without objecting when Judge Murphy suggested she give contributions to the Democratic Party. Furthermore, she stated that Judge Martin has never mentioned the conversation again since that time.

During the investigation Judge Lisa Schultz was interviewed in reference to Ms. Singleman's statement about the events that took place on September 13, 2007, involving Judge Murphy and Judge Martin.

Judge Schultz produced a journal that she had been writing in reference to what Ms. Singleman had told her that logged other issues that had cropped up in the Dona Ana District Courthouse. In the journal, and during the interview, Judge Schultz said that on or about September 14, 2007, Ms. Beverly Singleman spoke to her about a conversation Singleman had with Judge Murphy and Judge Martin. According to Judge Schultz, Ms. Singleman told her the following:

Ms. Singleman was considering seeking the upcoming District court judgeship vacancy. Ms. Singleman said that she asked Judge Martin if he would meet with her to discuss his experience on the bench to help her decide whether she wanted to apply for the vacancy. Judge Martin agreed and invited Judge Murphy to meet with them as well. Judge Murphy did most of the talking and at some point told Ms. Singleman that she would need to give money for the Governor/Democratic Party every week to Mr. Edgar Lopez to ensure the appointment. Furthermore, Judge Martin did not appear to object to Judge Murphy's suggestion.

Ms. Singleman relayed to Judge Schultz that she was disturbed about this strange and deeply inappropriate suggestion from Judge Murphy.

Judge Schultz's journal and her interview with investigators revealed that shortly after her conversation with Ms. Singleman, Judge Murphy entered her chambers to speak with her. Judge Murphy told Judge Schultz that he knew that she favored Ms. Singleman for the next appointment and then said that "they" would designate Ms. Singleman as the next judge, if, in return Judge Schultz agreed to vote for "their" choice of Ms. Carolyn Baca-Waters when another (woman) judgeship became vacant. Judge Schultz did not feel this was appropriate. Judge Schultz also knows that judicial applicants have the potential to come before both she and Judge Murphy in their official capacity in the

judicial nominating committee process as required in the NM Constitution.

Judge Murphy told Judge Schultz that she did not understand the appointment process, and expressed that he and the other judges worked closely with Edgar Lopez to pick new judges. Judge Murphy also told Judge Schultz that Edgar Lopez always chose the new judges in the district.

Judge Schultz protested that what Judge Murphy was saying was not appropriate. Judge Murphy then said to Judge Schultz, "Look, I'm not joking. You tell Beverly she had better make weekly payments to Edgar Lopez if she wants the next judgeship." Judge Schultz said that at that point she was shocked and silent for a moment.

Judge Murphy indicated that this is how things are done and that Judge Schultz should call Beverly Singleman immediately to confirm what he'd told her. Judge Murphy then said that the best advice he could give Ms. Singleman was to tell her to put cash into an envelope and give it to Edgar Lopez. Judge Schultz said that Judge Murphy suggested that Ms. Singleman should do this every week right up until the time of the appointment. Judge Murphy explained that Mr. Edgar Lopez was close friends with the governor and would hand-deliver the envelopes to him.

After the meeting Judge Schultz immediately sought legal opinion from Mr. Norm Osborn concerning the laws that were possibly violated and the appropriate action to pursue in the reporting of this matter.

Judge Schultz then called retired Court of Appeals Judge Rudy Apodaca and asked him for his advice concerning what Judge Murphy had done. Judge Apodaca strongly urged Judge Schultz not to take any action whatsoever. Judge Apodaca said that as terrible as it sounded, the system did in fact work in the manner described by Judge Murphy. Judge Apodaca told Judge Schultz that it would ruin her career to raise the issue and she should leave it alone.

On September 24, 2007, Mr. Norm Osborn gave Judge Schultz his opinion in Memo form. Mr. Osborn essentially said that Judge Murphy's conduct was inappropriate in that it could be interpreted as "offering political influence in return for campaign contributions." Mr. Osborn urged Judge Schultz "to consider referring this matter to the Judicial Standards Commission and to do so without delay."

In Judge Schultz journal she wrote that six of the eleven members of the Judicial Standards Commission are the governor's appointees. Any action can be taken by a majority of the members. In other words, the governor could easily direct the actions of the commission, and it could be viewed as the governor's personal board of judicial oversight. Further, the commission has almost unbridled power over judges.

According to Judge Schultz, after listening to Judge Murphy, it was evident the scheme also involved Governor Richardson, and Judge Schultz did not feel comfortable turning in Governor Richardson to his own board, a board with absolute power over Judge

Schultz.

Judge Schultz met with Norm Osborn right away to ask if he had any other suggestion, as Judge Schultz did not feel comfortable going to the Judicial Standards Commission, especially if some other options were available. Mr. Osborn suggested that Judge Schultz report the matter to Chief Judge Robles.

Judge Schultz immediately reported the entire matter to Judge Robles. At the conclusion of their meeting, Judge Robles asked Judge Schultz if she wanted him to confront Judge Murphy. Judge Schultz replied that she would confront Judge Murphy herself.

Judge Schultz immediately went to Judge Murphy's chambers, and he escorted her into his office. At that point, Judge Schultz divulged that she had heard from outside sources of his suggestion that judicial candidates give money to Edgar Lopez to secure an appointment. According to Judge Schultz, Judge Murphy became belligerent and demanded to know who had relayed that information to her. Judge Schultz replied that she would not disclose names to him, and that it was not important nor the point of the conversation. Judge Murphy replied, "Bet it was Beverly Singleman," and voiced that he would "destroy her and her reputation."

Judge Schultz said that Judge Murphy became extremely angry and indicated that she had never seen him display this type of behavior before. Judge Murphy then told Judge Schultz that when he was finished with Ms. Singleman, she would never receive any judgeship.

Judge Schultz reminded Judge Murphy that she had never indicated the names or genders of any judicial candidates and that she was not going to disclose the information to Judge Murphy, so he should not make any assumptions concerning this matter. At this point Judge Murphy asked if "Ms. Singleman, or whoever" was going to report him to the authorities and he continued to make threats against anyone who had reported these conversations, including Ms. Singleman.

Judge Schultz then informed Judge Murphy that it would be in his own best interest to stop making threats and to listen to her because there were other venues she could pursue concerning the matter if this conference was to no avail.

At that point Judge Murphy suddenly stopped and said "well, I'm not going to sit here and have you lecture me by myself. Judge Martin was with me for those conversations. He was part of all this too, so I want him here for the talk." Judge Schultz replied that Judge Martin could join them now if he was available. Judge Murphy then called Judge Martin to his chambers.

Judge Schultz stated that Judge Martin entered Judge Murphy's chambers at this request. Then Judge Schultz challenged both Murphy and Martin on their behavior in soliciting contributions from judicial candidates, and informed that that this was both wrong and unethical. Judge Martin did not argue or disagree with Judge Schultz, but instead

remained silent and indicated his understanding of her accusations with a nod of his head. Judge Schultz then said that suggesting that judicial candidates put cash into envelopes to deliver to Edgar Lopez was inappropriate on every level. Judge Schultz asked them if they understood this and both of the judges said yes. She then told them that they should not do it again and both judges promised to comply.

Sometime after October 18, 2007, Judge Apodaca visited Judge Schultz in Las Cruces. Judge Apodaca asked Judge Schultz what, if anything, had happened with the issue concerning Judge Murphy and Edgar Lopez. Judge Schultz relayed what she had done and Judge Apodaca appeared relieved and said that she had done exactly the right thing.

Over the next year, several things occurred in the Dona Ana County District Courthouse that alerted Judge Schultz that Judge Murphy and Judge Martin may still be influencing the selection process.

In the spring of 2009, Judge Schultz voiced her concerns to several different people about the possible involvement of Judges Murphy and Martin's influence during the judicial selection process. She called Justice Petra Maes, who indicated that they could discuss the matter in June at the Judicial Conclave in Albuquerque.

In June of 2009, Judge Schultz attended the Conclave and met with Justice Maes. Judge Schultz reported the matter to her, Judge Maes told Schultz to report the information to Judge James Wechsler of the New Mexico Court of Appeals. She also told Judge Schultz that if he didn't have any suggestions, Judge Schultz should contact her for assistance in the matter.

During the women's Judges' dinner at the conclave, Justice Maes approached Judge Schultz's table and told her to ask all the women at her table for their advice. Judge Schultz inquired as to whether justice Maes wanted her to tell them the entire history and Justice Maes said yes. Judge Schultz proceeded to do as Justice Maes had suggested. Judge Schultz stated that there were approximately six to eight judges present to include Judge Nan Nash, Judge Abigail Aragon, Judge Sandra Price, and Judge Jane Shuler Gray, as well as some other judges.

After Judge Schultz told her story all the judges with the exception of Judge Abigail Aragon, told her to "go to the authorities" Judge Schultz was even given advice from Judge Sandra Price that she needed to obtain a tape recorder and record one of the judges if it happened again so she would have proof if anyone doubted her.

Judge Schultz wrote that Judge Abigail Aragon told her not to feel pressured to turn in Judge Murphy and the other judge into the authorities. Judge Schultz said that Judge Aragon took her aside and said that Judge Schultz concerns (e.g. that my loved one, or I, would be physically threatened, and her career ruined---while never seeing any justice) were not unfounded. Judge Aragon suggested that Judge Schultz really think about the matter before taking further action.

In July 2009, Judge Schultz called Judge Wechsler and reported the entire matter to him,

to which Judge Wechsler replied that too much time had passed since the selection and nothing could be done at this point, but he would keep a record of their conversation for future reference.

In August 2010, Judge Schultz met with Judge Murphy in his chambers at the courthouse to discuss several issues. As advised by Judge Sandra Price, Judge Schultz turned a tape recorder on before going into Judge Murphy's chambers. After approximately 32 minutes (per the recorded conversation), Judge Schultz raised the issue of Murphy suggesting that judicial candidates give money to ensure appointments to open positions.

Judge Schultz said to Murphy, "Do you remember when I asked you and Judge Martin about the fact that you guys had mentioned to judicial candidates that they, it would help their chances to give money to Edgar Lopez and hence the governor, blah, blah, blah, blah?"

Judge Murphy responded and said "Yeah. Of course, that's over now, because we're going to have a new governor".

Judge Schultz stated, "Okay so, let me ask you a question. And you guys assured me it's definitely not gonna (sic) happen again. Is it – did it not happen hopefully with Arrieta? I mean it's safe to be supportive of him?"

Judge Murphy responded, "Oh yea. Arrieta, of course. I just wrote him a check for \$300 bucks. I hope you'll do the same.

Judge Schultz stated, "I just needed to know that."

Judge Murphy responded: "Yeah. No"

Judge Schultz stated, "Since we talked there's been no more of that funny business?"

Judge Murphy responded by saying "it wasn't funny before, it was the fact of the matter is if you don't position yourself right for gubernatorial appointment."

After reporting the information to several sources, Judge Shultz concluded that Judge Murphy and Judge Martin's wrongdoings were being overlooked, so she decided to approach District Attorney Susanna Martinez about the issue. Upon receiving the information, the District Attorney informed law enforcement. District Attorney Susanna Martinez of Las Cruces contacted Ninth Judicial District Attorney Matthew Chandler about the investigation and asked if he and his office would assist in the investigation and prosecution because of a possible perception of conflict if her office handled the case.

On February 1, 2011, Agent Dan Aguilar, Matt Chandler and I talked with Judge James T. Martin in his chambers. During the meeting I asked Judge Martin if he remembered the meeting with Ms. Singleman. Judge Martin said that he did, and that they'd had lunch at the Spanish Kitchen. I asked Judge Martin if during the conversation with Ms.

Singleman, Judge Murphy had mentioned writing checks and giving them to Edgar Lopez in order to get appointed.

Judge Martin stated that he remembered discussing with Ms. Singleman that he enjoyed his job, but that he does remember Judge Murphy suggesting that she make donations to the Democratic Party. Judge Martin did inform us that he was good friends with Edgar Lopez, but he did recall Judge Murphy telling her to make donations to the party but did not remember anything about to whom, how often, or much money one should give for an appointment. Judge Martin said that part of the conversation did not resonate with him.

I asked Judge Martin if giving money in exchange for an appointment was common practice and he indicated that to be nominated for a judgeship, a person has to get on the list, and the governor appoints from that list. Judge Martin said that the governor picks someone who is active in the party. "A way to show that you're active in the party is to make donations to the party, participate in events, go to fundraisers, help a particular campaign, be a good democrat or republican. That's kind of the nature of politics you have to be actively involved in the game."

I asked Judge Martin if he recalled whether Judge Murphy advised Ms. Singleman to write checks and put them in an envelope for Edgar Lopez, and Judge Martin said he did not remember that.

On February 1, 2011, Agent Dan Aguilar, District Attorney Matt Chandler and I met with Judge Murphy in his chambers. During the conversation we explained to Judge Murphy that we had been tasked to investigate allegations that had occurred in Dona Ana County in reference to the courthouse and things that have been said in reference to the judicial selection process.

During the interview, Judge Murphy was asked about Beverly Singleman a local attorney. Judge Murphy offered information about Ms. Singleman and explained that she had applied for judgeship positions in the past. I asked Judge Murphy if he remembered the lunch meeting of 2007, with Judge Martin and Ms. Singleman. Judge Murphy responded that he honestly could not remember, but it was possible that he had.

When Judge Murphy was asked if he had advised Beverly Singleman to give money to Edgar Lopez to help with the appointment process, he replied that he did not remember the meeting, nor had he given such advice. Judge Murphy continued to deny that he'd suggested that anyone contribute money to ensure appointments, but he did say that support of a party was needed. Judge Murphy then requested that we give him a polygraph as soon as possible, and we advised that we would make arrangements for the test and call him.

On February 2, 2011, we requested another meeting with Judge Martin in his chambers to further discuss the conversation of 2007, involving Judge Murphy and Ms. Singleman. During this meeting, Judge Martin was again asked if he remembered Judge Murphy

advising Ms. Singleman to give money to Edgar Lopez. Judge Martin again claimed that he did not recall whether it had happened or not. When asked if he remembered the conversation between Judge Murphy, Judge Schultz and himself, in which Judge Schultz accused them of being unethical and improper in their appointment tactics, Judge Martin denied remembering whether that conversation had taken place either. Subsequent to this interview, Judge Martin obtained a criminal defense attorney and investigators no longer have access to question him without his attorney's permission.

On February 3, 2011, I informed Judge Murphy that we had arranged for a polygrapher from the New Mexico State Police to administer the test, and Judge Murphy advised that he liked our arrangements.

On February 3, 2011, we talked to Edgar Lopez at his office in Las Cruces. I explained to Mr. Lopez that we were conducting an investigation into the judiciary system in Las Cruces. I told Mr. Lopez that he had been named as the person who received political donations during the political appointment process from candidates seeking judge positions. Mr. Lopez replied that his name should come up, because he worked with the Municipal judges, with all the Magistrate judges except for one, and that he had gained the appointments for all the District Court judges and worked with them as well.

Mr. Lopez explained that judges don't have a lot of money, so he doesn't typically get a lot of money when they, meaning judges, make donations to this governor or that governor. It is not common for judges to give money, and they always say they don't have money and that they don't like giving. Mr. Lopez then went into detail about how the selection process for judges works in New Mexico.

Mr. Lopez explained that when Judge Murphy applied for the appointment the first time, Murphy was so confident that he would be appointed that he even measured one of the judge's chambers. Lopez said that Murphy did not come to him before the appointment and "did not pay Edgar homage", and Jim T. Martin got the appointment instead.

Lopez said that he pushed really hard for Jim T. Martin because he thought Martin was the most ethical choice, plus he was a federal prosecutor. Lopez also said he told the governor that Martin did not financially support the governor due to the Hatch Act.

Lopez stated that the after Martin's appointment became public Murphy called him and asked him to meet for breakfast. At that meeting, Murphy told Lopez that he would not run against Martin if Lopez would support him for the next judicial appointment. Specifically during the interview of Lopez, he said the following, "Murphy came in the door and he says I want to give. I understand I have to come see you (inaudible statement on recording) and wanted to meet me for breakfast and I said you didn't call me. And he said well I'm sorry. I'm here to do whatever I need to do."

Lopez expressed that each of the candidates have to have certain qualification before they can be placed on the selection list to the governor. Lopez further stated that there has been talk that he is the person that gets the judges appointed, and that this is just not the

case.

On February 4, 2011, I sent Judge Murphy an email asking if he would be available February 9, 10 or 11 for the polygraph exam. Judge Murphy did not respond to the email and has not called the office to inquire about the exam. The polygrapher contacted Judge Murphy on Friday, February 18, 2011, to verify a date for the polygraph. Judge Murphy told the polygrapher that we had requested he take the exam. Judge Murphy has yet to take the polygraph exam. In addition, subsequent to this communication and receiving of the grand jury target notice in March, Judge Murphy retained a criminal defense attorney and the state has had no further contact with him.

On March 19, 2011, Judge Steven Bridgforth was interviewed by Agent Dan Aguilar. Judge Bridgforth said that he had a conversation with Judge Murphy. During the conversation Judge Murphy told him that if a person wanted to be selected for a judge position by Governor Richardson, that person needed to make a significant donation. Judge Bridgforth also said that Murphy told him that he (Murphy) gave \$4000.00 to Governor Richardson.

Judge Bridgforth disagreed and objected to Judge Murphy comments and told Murphy, "I don't know if I would be telling everyone that. It sounds like your paying for the position." Judge Murphy then replies, "oh your old fashion. That's how business is done now days."

In 2010, Judge Bridgforth indicated that he was approached by Edgar Lopez. Mr. Lopez asked him to retire before the end of the year to allow Governor Richardson to appoint Larry Picket (a lawyer in Las Cruces) as his replacement. Judge Bridgforth has known Mr. Lopez for some time and discounted Mr. Lopez's request.

On April 26, 2011, Norman Osborn was interviewed at the Las Cruces District Attorney's office. Mr. Osborn is the staff attorney for the Third Judicial District Courts. Mr. Osborn was questioned because of his research and the memo he presented to Judge Schultz after she had asked for an opinion in regards of what course of action she should take in regards to what Judge Murphy had said.

During the interview Mr. Osborn said that while working at the courthouse one day he heard Murphy discussing his own judicial appointment. Mr. Osborn stated that Judge Murphy said he gave money every month in a form of a check or checks to influence his appointment process. Mr. Osborn said he recalled Judge Murphy say, "I gave payments to Edgar every month."

Mr. Osborn also recalled Judge Murphy saying if one wants to receive the judicial appointment they must give a "substantial amount" to Edgar Lopez by putting money into an envelope and delivering it to Edgar Lopez every month. He said Judge Murphy made these comments at the Third Judicial District Courthouse in a hallway near Judge Valentine's office.

Mr. Osborn also advised that a few weeks prior to April 26, 2011, Judge Murphy approached him at the courthouse in Dona Ana County. He said Judge Murphy told him that he should not be talking to him about the investigation because his (defense) attorney would be upset with him. However, he said that he was very mad about the fact that Judge Schultz "wore a wire" and recorded him. Judge Murphy also stated that if he was guilty of buying a judgeship, then what does that make Chief Justice (Charlie) Daniels. Judge Murphy also explained to Mr. Osborn that Judge J.C. Robinson was appointed to preside over his case by the Supreme Court. Mr. Osborn has personal knowledge of Judge Robinson and knows that Judge Murphy and Judge Robinson know each other. Judge Murphy stated that Judge Robinson was a "good guy" and his appointment was a "good thing" for him.

On April 29, 2011, Mr. Osborn contacted Agent Dan Aguilar and advised him that he felt he needed to pass along some information to him. Mr. Osborn stated he had a discussion with Judge Murphy about the investigation. He told Mr. Osborn that he told his wife to lock up his firearms. Judge Murphy also stated, "If I go down for this, I'm not going alone. I'm taking someone with me." This information was also provided to Judge Murphy's criminal defense attorney by Mr. Osborn.

On April 27, 2011, I completed an affidavit for a search warrant in order to obtain banking records of Michael Murphy. The search warrant was for records held at the New Mexico Department of Finance and Administration (known as DFA, Central Payroll Bureau). The affidavit and warrant were asking for accounts and banks where Michael Murphy had his state payroll checks deposited. Judge J.C. Robinson approved the affidavit and issued a search warrant for those records.

The warrant and affidavit were sent to Gregory Shafer, General Counsel for DFA on April 27, 2011. On April 28, 2011 Mr. Shaffer responded to the warrant and faxed the information that was requested. A return of inventory was completed and filed in the court on that date.

With the information that I obtained with the search warrant, I completed two additional search warrants requesting banking records of Michael Murphy from Bank of the Rio Grande and First Light Federal Credit Union. Judge J.C. Robinson reviewed the two affidavits for search warrants and requested that I make some changes to them in order to obtain the warrants. I made the corrections and on April 28, 2011 Judge Robinson issued the warrants and emailed them to me in Clovis.

On May 2, 2011, Agent Dan Aguilar and I served the first warrant to the Bank of the Rio Grande. The Senior Vice President of the bank, Shannon Cox advised me that it would take a few days to receive the information that was requested in the warrant. I advised Ms. Cox that we would pick up the information on May 11, 2011 when we returned to Las Cruces.

I then went to First Light Federal Credit Union and met with Debbie Ferreira the regional Manager. I gave Ms. Ferreira a copy of the warrant and affidavit. After some research

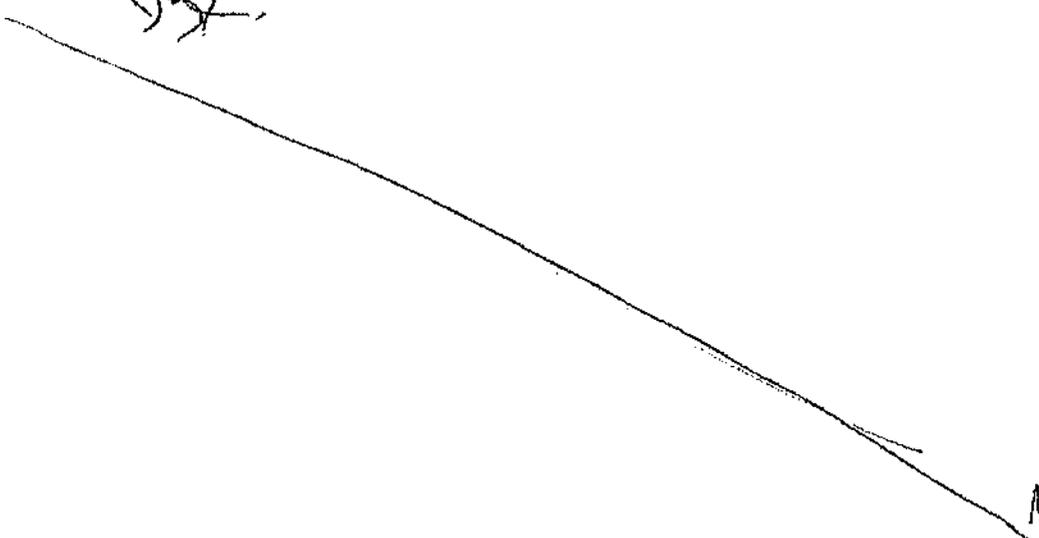
Ms. Ferreira said that the bank does not have an account for a Michael Murphy or an account with the social security number that we had on the warrant. Ms. Ferreira handed me the warrant and affidavit back and we did not serve the warrant or leave a copy with the bank because of the confidential nature of the case and the bank having no information.

On May 11, 2011, I received the banking records from The Bank of the Rio Grande as required in the search warrant. I am in the process of reviewing the records. I filed the returns of both warrants in Dona Ana County District Court on May 12, 2011. I provided a copy to Judge Murphy's criminal defense attorney on the same date.

On May 13, 2011, a Dona Ana County Grand Jury met to hear the facts of the investigation. Based upon the investigation and the testimony given at the grand jury hearing, the Grand Jury found probable cause that Michael Murphy committed the charges of (Count 1) Demanding or Receiving a Bribe by a Public Officer or Public Employee; (Count 2) Bribery of Public Officer or Public Employee; (Count 3) Criminal Solicitation and (Count 4) Bribery, Intimidation or Retaliation against a Witness.

Based upon the indictment and findings by the Dona Ana County Grand Jury, I prepared an arrest warrant with the Court for Michael Murphy. On May 13, 2011, I contacted Judge Robinson and advised him that I have the grand jury indictment, an arrest warrant and statement of facts, a summons for Michael Murphy, and Dona Ana County grand jury packet that contains bond information. Judge Robinson advised me to file it with the Dona Ana District Clerk and he would review it at a later time. I filed the information with the Dona Ana District Clerk at approximately 2120 hours on May 13, 2011.

A criminal complaint with the additional misdemeanor charges of ethical principles of public service; certain official acts prohibited, will be presented to the court in the near future. Judge J.C Robinson ordered that I cannot pursue these charges without his approval.



May 14, 2011