



Administrative Office of the Courts

FOR IMMEDIATE RELEASE

July 10, 2026

Supreme Court rejects challenge to disciplinary process in removing a judge from the bench

SANTA FE – The state Supreme Court issued an opinion today rejecting a constitutional challenge to the process for investigating and disciplining New Mexico judges for ethical misconduct.

In the unanimous opinion, the Court provided the legal reasoning for an order earlier this year removing McKinley County Magistrate Judge Brent Detsoi from the bench and permanently barring him from holding judicial office.

The Court concluded that Detsoi “committed willful misconduct in office.”

The state Judicial Standards Commission investigated allegations of misconduct by Detsoi and recommended his removal to the Court. The Commission found that Detsoi willfully engaged in misconduct in 13 cases by raising jurisdictional issues on his own during criminal arraignments and then dismissing prosecutions after determining the defendants were Native Americans. The dismissals occurred without notices or hearings for all the parties.

Detsoi dismissed as many as 63 criminal prosecutions under similar circumstances, according to testimony during the commission’s disciplinary hearing. He had continued the practice despite reversals on appeal and being advised by other judges and court personnel to hold an evidentiary hearing before dismissing cases for lack of jurisdiction.

Detsoi challenged the fairness of the judicial disciplinary process when his case reached the Supreme Court. He contended there was an appearance of bias and lack of impartiality in having the Commission both investigate and adjudicate alleged misconduct. The Commission, he argued, violated constitutional principles of fairness and procedural due process by denying his request to appoint special masters to decide whether to recommend disciplinary action.

In rejecting Detsoi’s constitutional challenge, the Court noted that Article VI, Section 32 of the New Mexico Constitution provided broad discretion to the Commission to determine whether to appoint special masters or hear evidence itself. Previous rulings by the Court have established a legal precedent that “absent evidence of actual or inherent bias, the combining of investigatory and adjudicatory functions by an administrative body is permissible,” the justices explained. Detsoi presented no evidence that the Commission was biased and made “no challenge whatsoever to the Commission’s factual findings overall,” the Court stated.

The Court's role as the final decision-maker in disciplinary cases "serves as a significant safeguard against accusations of bias in a particular case," the justices wrote.

Detsoi additionally argued that his dismissal of criminal cases did not constitute willful misconduct. The appropriate remedy for a judge making a legal error, he asserted, is reversal of the decision — not removal from office.

The Court determined that Detsoi's "repeated practice of dismissing cases at arraignment and without hearings constituted legal error that clearly and consistently rose to the level of willful misconduct. Stern discipline was in order."

###

To read the decision in *In re Detsoi*, No. S-1-SC-40574, please visit the New Mexico Compilation Commission's website using the following link:

<https://nmonesource.com/nmos/nmsc/en/item/538386/index.do>