



Office of the New Mexico Secretary of State

Instructions for Filing an Elections, Ethics, or Voter Complaint

Complaints are accepted via hand-delivery, mail, facsimile, or e-mail. All contact information for our office is at the bottom of these instructions. Multiple methods of delivery are not necessary and electronically signed complaints are acceptable. If you do not have electronic signature capability, please print the electronically filled form, sign it, and submit it to our office.

Please indicate on your complaint form your preferred method of correspondence. All complaints require the following information:

- The complainant's name, address, and a working telephone number and/or a valid e-mail address;
- The complainant's signature (either electronic or original);
- The date the complainant signed the form;
- The respondent's name, address, and a working telephone number and/or a valid e-mail address; and
- A reasonably particular description of the allegations against the respondent, along with any exhibits or evidence supporting the allegations. These items are written separately from and submitted simultaneously with the Complaint Form.

Our statutory authority to investigate is limited to the following specific portions of state and federal law.

- Election Code and Campaign Practices (Chapter 1 NMSA);
- Lobbyist Regulation Act (Chapter 2, Article 11 NMSA);
- Municipal Election Code (Chapter 3, Articles 8 and 9 NMSA);
- School District Elections (Chapter 22, Article 6 and 7, NMSA);
- Governmental Conduct Act (Chapter 10, Article 16 NMSA);
- Financial Disclosure Act (Chapter 10, Article 16A NMSA); and
- Public Law 107-252, The Help America Vote Act of 2002 ("HAVA").

We do not process or investigate anonymous complaints. Complaints not containing the required information are returned to the complainant with a request to complete the missing information. We may also return complaints if further information or explanation of the allegations is needed by our office. All documents pertaining to a complaint are subject to inspection under the New Mexico Inspection of Public Records Act.

Hand delivery and Mail:

325 Don Gaspar, Suite 300
Attn: Bureau of Elections, Ethics Division
Santa Fe, New Mexico 87501

Facsimile:

(505) 827-8403

E-mail:

sos.ethics@state.nm.us

If you have any questions regarding filing your complaint or whether your complaint falls under the jurisdiction of the Secretary of State, please contact the Ethics Division.



ELECTIONS, ETHICS, AND VOTER COMPLAINT FORM

NEW MEXICO OFFICE OF THE SECRETARY OF STATE

Ethics Division, Bureau of Elections

325 Don Gaspar, Suite 300 | Santa Fe, New Mexico 87501

(505) 827-3600 or Toll-free 1(800)477-3632

By my signature below, I verify that the allegations contained in this complaint, along with the attachments and exhibits hereto, are true and correct to the best of my knowledge and belief, and that I believe the allegations herein violate New Mexico election and/or ethics law.

COMPLAINANT'S INFORMATION (Person/organization filing out this complaint)

Name or Organization: Mark D'Antonio

Address: 2945 Scenic Ridge Loop

City: Las Cruces State: NM Zip: 88011

Phone: 575-312-3650 Email: danton2691@yahoo.com

Preferred method of written communication: Email

RESPONDENT'S INFORMATION (Person/organization complainant is being filed against)

Name or Organization: James Dickens

Contact Person: _____

Address: 5119-2 Silver King Rd.

City: Las Cruces State: New Mexico Zip: 88011

Phone: 575-642-7300 Email: Dickens4DA@gmail.com

Attached hereto are 2 pages which reasonably describe the actions or inactions which I believe violate New Mexico election or ethics law, or HAVA.

Complainant's signature: _____

A handwritten signature in black ink, appearing to read "Mark D'Antonio".

Date: 5/19/2016

If you are an individual with a disability who needs assistance completing this form, please contact the Ethics Division.

For official use only, NM SOS complaint number: NM SOS # _____

Mr. Winter,

I was outraged to find that Mr. James Dickens is guilty of a serious ethical violation and I demand the matter be investigated and that he be held accountable for his actions.

During an interview with the Las Cruces Sun News in April, Mr. Dickens said he accessed my case files using a file sharing system used by DA's. He was obviously talking about a case management system we refer to as CMS.

CMS contains information that is not public record – like the names of people accused but not charged, methods on how certain cases are prosecuted, contact information for victims and medical records for defendants who have to undergo certain evaluations to determine if they're competent or not.

Based on Mr. Dickens' stunning admission, I asked the administrative offices of the district attorneys to look into the matter. Their investigation concluded that Mr. Dickens had accessed files from the 3rd Judicial DA's office more than 40 times without any lawful authority.

Many of the cases Mr. Dickens looked up dealt with mental competency and murder cases – two things that Mr. Dickens has been campaigning on. He's also been referencing the State vs. Joshua Jones case and its victims on his campaign website which was another case file he accessed without lawful authority (please see attached).

Per AODA policy, employees shall not directly or indirectly use official information which is not available to the general public or contract with the State for the purpose of furthering a private interest.

According to AODA, every DA's office records belong to that office. That being said, my office did not receive any IPRA request from Mr. Dickens pertaining to this information until after AODA discovered that he had been using government resources for campaign purposes.

I've reached out to 12th Judicial District Attorney David Ceballos to investigate but he's ignored my request.

Any help would be appreciated.

Thank you for your time.

Respectfully,

A handwritten signature in black ink, appearing to read "Mark D'Antonio", with a stylized flourish at the end.

Mark D'Antonio
Third Judicial District Attorney

and listen to the victims.

Victims need to feel free to express their emotions, thoughts and expectations. Victims need all the information that the prosecutor can give them. They need to be part of the case. They need an advocate.

I am shocked to hear about case after case where the victims of violent crimes were not even informed that the cases were dismissed or plead. For example, in 2013 the Nava family showed up to court believing that they were finally going to have their day in court; they were finally going to have justice for their daughter who was beaten and bruised with a studded belt; only to find that the case was dismissed.

As recently as November of 2015 Fernando Molina was jailed after he became upset at the sentencing of one of the men involved in an attempted burglary that resulted in Mr. Molina being shot and his brother being killed by the burglar. The State requested only one year of incarceration for one of the men involved in the botched burglary. The prosecutor is the voice for the victim and victims deserve justice. They deserve to have someone advocating for them.