



**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

**IN THE MATTER OF
RODRIGO MARTINEZ, JR.
STATE BAR CARD NO. 13144200**

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CAUSE NO. 56590

JUDGMENT OF DISBARMENT

On the 20th day of April, 2018, came on for hearing before the Board of Disciplinary Appeals the Motion for Entry of Judgment of Disbarment filed in the above case by Petitioner, Commission for Lawyer Discipline of the State Bar of Texas, against Respondent, Rodrigo Martinez, Jr. Petitioner appeared by counsel and announced ready. Respondent, although duly cited to appear and having notice of the hearing, failed to answer or appear and wholly made default. The Board finds that:

- (1) It has continuing jurisdiction of this matter pursuant to Texas Rules of Disciplinary Procedure 8.05 ("TRDP");
- (2) The Thirteenth District Court of Appeals of Texas affirmed as modified the criminal conviction of Respondent Martinez in the 370th District Court of Hidalgo County, Texas, for the commission of an Intentional Crime, Theft, as defined by TRDP 1.06(T);
- (3) The Thirteen District Court of Appeals issued its Mandate, indicating the decision was final, on or about December 28, 2017;
- (4) Petitioner filed its Motion for Entry of Judgment of Disbarment on or about March 6, 2018, and personally served same on Respondent on March 16, 2018, by a Deputy Sheriff, Hidalgo County Sheriff's Department;
- (5) The Commission filed the affidavit of service with the Board on March 29, 2018;
- (6) Respondent's criminal sentence is not fully probated; and

- (7) Petitioner's Motion for Entry of Judgment of Disbarment should be granted.

Interlocutory Suspension

On the 29th day of January 2016, the Board of Disciplinary Appeals entered an Agreed Interlocutory Order of Suspension, which included the following findings of fact and conclusions of law:

- (1) Respondent, Rodrigo Martinez, Jr., whose State Bar Card number is 13144200, is licensed by the Supreme Court of Texas to practice law and is authorized to practice law in the State of Texas.
- (2) On or about June 6, 2012, Respondent was charged by Indictment with Theft over \$200,000, in Cause No. CR-2152-12-G, styled *State of Texas v. Rodrigo Martinez, Jr.*, in the 139th Judicial District Court of Hidalgo County, Texas.
- (3) On or about June 16, 2015, a Judgment of Conviction by Jury and Sentence to the Institutional Division of the Texas Department of Criminal Justice was entered in Case No. CR-2152-12-G, styled *The State of Texas v. Rodrigo Martinez, Jr., Defendant*, in the 370th Judicial District Court of Hidalgo County, Texas, wherein Respondent was found guilty of Theft of the value of \$200,000 or more, a First Degree Felony, and was sentenced to seven (7) years imprisonment in the Institutional Division of the Texas Department of Criminal Justice, ordered to pay court costs of \$228.00 and restitution in the amount of \$410,000.00.
- (4) Respondent, Rodrigo Martinez, Jr., is the same person as the Rodrigo Martinez, Jr., who is the subject of the criminal case described above.
- (5) Respondent has appealed the criminal conviction.
- (6) This Board has jurisdiction to hear and determine this matter. Tex. R. Disciplinary P. ("TRDP") 7.08(G);
- (7) Respondent, Rodrigo Martinez, Jr., having been convicted of Theft of the value of \$200,000 or more, has been convicted of an Intentional Crime as defined by TRDP 1.06(T).
- (8) Respondent has also been convicted of a Serious Crime as defined by TRDP 1.06(Z).
- (9) Having been found guilty and convicted of an Intentional and Serious Crime and having appealed such conviction, Respondent, Rodrigo

Martinez, Jr., should have his license to practice law in Texas suspended during the appeal of his criminal convictions. TRDP 8.04.

- (10) The Board retains jurisdiction to enter a final judgment in this matter when the criminal appeal is final.

Disbarment

The Board concludes that, because Respondent has been convicted of an Intentional Crime and his criminal sentence is not fully probated, Respondent should be disbarred. TRDP 8.05. It is, therefore, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Rodrigo Martinez, Jr., State Bar No. 13144200, be and he is hereby **DISBARRED** from the practice of law in the State of Texas, and his license to practice law in this state be and is hereby revoked.

It is further **ORDERED, ADJUDGED and DECREED** that Respondent, Rodrigo Martinez, Jr., is hereafter permanently prohibited, effective immediately, from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal services, appearing as counsel in any proceeding in any Texas court or before any Texas administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer."

It is further **ORDERED** Respondent, Rodrigo Martinez, Jr., shall immediately notify each of his current clients in writing of this disbarment. In addition to such notification, Respondent is **ORDERED** to return any files, papers, unearned monies and other property belonging to clients and former clients in the Respondent's possession to the respective clients or former clients or to another attorney at the client's or former client's request. Respondent is further **ORDERED** to file with the State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) within thirty (30)

days of the signing of this judgment by the Board, an affidavit stating that all current clients have been notified of Respondent's disbarment and that all files, papers, monies and other property belonging to all clients and former clients have been returned as ordered herein.

It is further **ORDERED** Respondent, Rodrigo Martinez, Jr., shall, on or before thirty (30) days from the signing of this judgment by the Board, notify in writing each and every justice of the peace, judge, magistrate, administrative judge or officer and chief justice of each and every court or tribunal in which Respondent has any matter pending of the terms of this judgment, the style and cause number of the pending matter(s), and the name, address and telephone number of the client(s) Respondent is representing. Respondent is further **ORDERED** to file with the Statewide Compliance Monitor, State Bar of Texas, Chief Disciplinary Counsel's Office, P.O. Box 12487, Austin, TX 78711-2487 (1414 Colorado St., Austin, TX 78701) within thirty (30) days of the signing of this judgment by the Board, an affidavit stating that each and every justice of the peace, judge, magistrate, administrative judge or officer and chief justice has received written notice of the terms of this judgment.

It is further **ORDERED** that Respondent, Rodrigo Martinez, Jr., if he has not already done so, immediately surrender his Texas law license and permanent State Bar Card to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P. O. Box 12487, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

It is further **ORDERED** that a certified copy of the Petition for Compulsory Discipline on file herein along with a copy of this Final Judgment of Disbarment be sent to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

Signed this 23 day of April 2018.



CHAIR PRESIDING