



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

IN THE MATTER OF §
MARTIN CANTU, JR. § **CAUSE NO. 57698**
TEXAS BAR CARD NO. 03767440 §

DEFAULT JUDGMENT OF DISBARMENT

On the 29th day of July 2016, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney and announced ready. Respondent, Martin Cantu, Jr., Texas Bar Card No. 03767440, although duly cited to appear and having notice of the hearing, failed to answer or appear and wholly made default. All questions of fact as well as all issues of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, having received evidence, and having heard the argument of counsel, the Board of Disciplinary Appeals is of the opinion that Petitioner is entitled to entry of the following findings and orders:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, Martin Cantu, Jr., Texas Bar Card Number 03767440, is licensed and authorized to practice law in the State of Texas by the Supreme Court of Texas.
- (2) On or about September 11, 2013, Respondent was charged by Indictment with Count 1 – Conspiracy to Commit Securities Fraud and Count 2 – Securities Fraud; Aiding and Abetting, in Cause No. 3:13CR-347-K, styled *United States of America v. Jason Wynn (1) Martin Cantu (2)*, in the United States District Court for the Northern District of Texas, Dallas

Division.

- (3) On or about December 16, 2015, a Judgment of in a Criminal Case was entered in Case No. 3:13-CR-00347-K(02), styled *United States of America v. Martin Cantu*, in the United States District Court for the Northern District of Texas, Dallas Division, wherein Respondent was found guilty of Conspiracy to Commit Securities Fraud in violation of 18 U.S.C. § 371 [15 U.S.C. § 78j(b) and 78ff] and Securities Fraud Aiding and Abetting in violation of 15 U.S.C. § 78j(b) and 78ff [17 C.F.R. § 240.10b-5, 18 U.S.C. § 2] and was committed to the custody of the United States Bureau of Prison for a total term of thirty-five (35) months, ordered to pay a restitution in the amount of \$423,938.66. Upon release from imprisonment, Respondent shall be on supervised release for a term of one (1) year.
- (4) Respondent, Martin Cantu, Jr., is the same person as the Martin Cantu who is the subject of the Judgment described above.
- (5) Respondent's criminal conviction is final.
- (6) Respondent's criminal sentence is not fully probated.
- (7) Respondent was personally served with the Petition for Compulsory Discipline and hearing notice on June 9, 2016 as recited in an affidavit of service filed with the Board on June 30, 2016.

Conclusions of Law. Based upon the foregoing findings of fact the Board of Disciplinary

Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Tex. R. Disciplinary P. 7.08(G) ("TRDP").
- (2) Respondent, Martin Cantu, Jr., having been convicted of conspiracy to commit securities fraud and securities fraud, aiding and abetting, has been convicted for purposes of TRDP 8.04 of Intentional Crimes as defined by TRDP 1.06(T).
- (3) Respondent has also been convicted of Serious Crimes as defined by TRDP 1.06(AA).
- (4) Respondent, Martin Cantu, Jr., should be disbarred. TRDP 8.05.

It is, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Martin Cantu, Jr., Texas Bar Card No. 03767440, 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, Martin Cantu, Jr., is prohibited from practicing law in Texas, holding himself out as an attorney at law, performing any legal services for others, accepting any fee directly or indirectly for legal services, appearing as counsel in any proceeding in any Texas court or before any administrative body or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney at law," "attorney," "counselor at law," or "lawyer."

It is further ORDERED Respondent 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 Statewide Compliance Monitor, 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 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

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, Martin Cantu, Jr., immediately surrender his Texas law license and permanent State Bar Card to the Statewide Compliance Monitor, Chief Disciplinary Counsel, 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 Judgment, be sent to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

Signed this 1 day of August 2016.



CHAIR PRESIDING