

BEFORE THE BOARD OF DISCIPLINARY APPEALS
OF THE SUPREME COURT OF TEXAS



FILED
7/26/23

THE BOARD OF DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

IN THE MATTER OF
JOHN F. CUELLAR
STATE BAR NO. 05202620

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CAUSE NO. 67900

RESPONDENT'S FIRST UNOPPOSED MOTION FOR CONTINUANCE

TO THE HONORABLE BOARD OF DISCIPLINARY APPEALS:

COMES NOW, RESPONDENT JOHN F. CUELLAR, and files this, his motion to continuance for sufficient cause shown:

CONTINUANCE

1. This case is set for final hearing on July 28, 2023. The undersigned believes this to be the first motion for continuance. The undersigned has contacted the counsel for the Commission for Lawyer Discipline, and they do not oppose this motion.
2. The Respondent would request a continuance or an extension of 30 days of the hearing so that we may file the necessary paperwork so that the Respondent may resign his law license. The Respondent's understanding is that if he resigns his license, no hearing will be necessary. This will save all parties time and expense.
3. The Respondent admitted his guilt and entered a plea to the criminal charges in Cause No. 7:19-cr-00522-S1-002; *United States of America v. John F. Cuellar*, In the United States District Court, Southern District of Texas, McAllen Div. He cooperated with the prosecution at great personal and familial cost. He committed a most dishonorable act, but since he was charged he has acted honorably and has done the right thing.
4. Recently a Judgment was rendered in the Respondent's criminal case, wherein Respondent pleaded guilty to Count 1 of the Superseding Indictment, 18 U.S.C. §1343,

1346, and 1349, Conspiracy to commit honest services wire fraud. The Respondent was committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of thirty-six (36) months. Respondent was further ordered to pay criminal monetary penalties of restitution to the City of Weslaco in the amount of \$4,100,000.00, and an assessment in the amount of \$100.00. He recently surrendered himself to federal custody and is currently an inmate at the Federal Prison Camp, Pensacola, Escambia County, Florida.

5. The Respondent is in prison, and not soliciting clients or making appearances for clients in any court, in person or by Zoom. He is not a threat to the public.

6. The Respondent would like very much for the record to reflect that he resigned his law license and that it was not taken away from him.

7. The undersigned regrets that my health has prevented me from filing this motion timelier, but I sincerely hope you will not hold this against Mr. JOHN F. CUELLAR.

8. Respondent waives any requirement of a speeding hearing or hearing deadline.

9. 1.09(a)(2) Representations: (i) The date of notice of decision of the evidentiary panel, together with the number and style of the case - Unknown;

(ii) if an appeal has been perfected, the date when the appeal was perfected - Unknown;

(iii) the original deadline for filing the item in question – The undersigned believes that a motion for continuance is to be filed 10 days prior to the July 28, 2023 hearing;

(iv) the length of time requested for the extension – 30 days;

(v) the number of extensions of time that have been granted previously regarding the item in question - None; and

(vi) the facts relied on to reasonably explain the need for an extension – as stated above.

10. This Motion is not sought for purposes of delay only but in the interest of justice.

REMOTE APPEARANCE

11. Should the Board decide to set this motion for oral hearing, the undersigned requests to appear via remote. The Respondent understands that under the rules governing the Board, the Chair determines the method of appearance for any hearing, may choose to set any matter for remote hearing, and may allow or require anyone involved in a proceeding to participate remotely. Tex. R. Disciplinary P. Part VII, cmt.; BODA Internal Procedural Rule 1.04(c).

12. The attorney for the Respondent cannot attend the hearing in person in Austin, Texas, due to health and scheduling issues. Should the Board decide to set this motion for hearing, the attorney for the undersigned requests that the hearing be set by Zoom, or other remote hearing.

WHEREFORE, PREMISES CONSIDERED, the Respondent prays that this cause be continued until a later date in the interests of justice, and for such other and further relief to which he may be entitled.

Respectfully submitted,



Thomas G. Rayfield
State Bar No. 16615825
5123 North McColl Road
McAllen, Texas 78504
Telephone No.: (956) 994-1155
Telecopier No.: (956) 994-1148
ATTORNEY FOR RESPONDENT
JOHN F. CUELLAR

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of July 2023, a true and correct copy of the above and foregoing was served upon all parties, the counsel for Commission for Lawyer Discipline, Hon. Judith DeBerry, via electronic service and fax, as prescribed by the Texas Rules of Civil Procedure.



THOMAS G. RAYFIELD

CERTIFICATE OF CONFERENCE

This is to certify that prior to filing this motion I contacted the counsel for Commission for Lawyer Discipline, Hon. Judith DeBerry, and attempted, in good faith, to resolve the issues stated herein. The Commission for Lawyer Discipline does not oppose this motion.



THOMAS G. RAYFIELD

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UNSWORN DECLARATION OF THOMAS G. RAYFIELD

"My name is Thomas G. Rayfield. My address is 5123 North McColl Road, McAllen, Texas USA 78504. My date of birth is May 27, 1960. I am the attorney of record for the Respondent in the above entitled and numbered cause. I have read the foregoing Motion for Continuance and I declare under penalty of perjury that all information in the attached document is true and correct."

Signed in Hidalgo County, Texas, on the 26 day of July, 2023.



Thomas G. Rayfield