



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

IN THE MATTER OF	§	
MARCO A. DELGADO	§	CAUSE NO. 54396
STATE BAR CARD NO. 00796001	§	

JUDGMENT OF DISBARMENT

On the 12th day of April 2019, the Board of Disciplinary Appeals considered the First Amended 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, Marco A. Delgado. The Board finds that:

- (1) It has continuing jurisdiction of this matter pursuant to Texas Rules of Disciplinary Procedure 8.05 ("TRDP");
- (2) The United States Court of Appeals for the Fifth Circuit affirmed Respondent Delgado's criminal conviction for conspiracy to commit money laundering in Case No. 16-50841 and Case No. 17-50040 (consolidated) and issued its judgment as mandate indicating that the decision was final on or about January 31, 2019;
- (3) Petitioner filed its Motion for Entry of Judgment of Disbarment on or about February 15, 2019, and served same on Respondent in accordance with TRDP 8.05;
- (4) Petitioner filed its First Amended Motion for Entry of Judgment of Disbarment on or about March 11, 2019, and served same on Respondent in accordance with TRDP 8.05 as shown in the sworn affidavit of service filed with the Board on March 11, 2019;
- (5) Respondent's conviction for the commission of an Intentional Crime as defined by TRDP 1.06(V) and for a Serious Crime as defined by TRDP 1.06(GG), for which he was sentenced in the United States District Court

for the Western District of Texas, El Paso Division, Case No. 3:12-CR-2106-1, has become final and is not subject to appeal;

- (6) After resentencing, Respondent was sentenced to serve 192 months imprisonment;
- (7) Respondent's criminal sentence was not fully probated;
- (8) Respondent did not answer the original Petition for Compulsory Discipline and wholly made default.
- (9) Respondent did not answer the First Amended Motion for Entry of Judgment of Disbarment.
- (10) Petitioner's First Amended Motion for Entry of Judgment of Disbarment should be granted.

Interlocutory Suspension

On the 30th day of July 2014, the Board of Disciplinary Appeals entered an Interlocutory Order of Suspension, which included the following findings of fact and conclusions of law:

- (1) Respondent, Marco A. Delgado, State Bar Card Number 00796001, is licensed but not currently authorized to practice law in the State of Texas by the Supreme Court of Texas.
- (2) On or about September 5, 2012, Respondent was charged by Indictment with Conspiracy to Commit Money Laundering, in violation of 18 U.S.C. §1956(h), in Cause No. EP-12-CR-2106, styled *United States of America, Plaintiff, v. Marco Antonio Delgado*, Defendant, in the United States District Court for the Western District of Texas, El Paso Division.
- (3) On or about January 24, 2014, a Judgment in a Criminal Case was entered in Case No. EP-12-CR-2106-DB, styled *United States of America v. Marco Antonio Delgado*, in the United States District Court for the Western District of Texas, El Paso Division, wherein Respondent was found guilty of Conspiracy to Commit Money Laundering and was committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 240 months with credit for time served while in custody for this federal offense. Respondent was ordered upon release from imprisonment to be on supervised release for three (3) years, ordered to pay an assessment of \$100.00 and a fine of \$25,000.00.

- (4) Respondent, Marco A. Delgado is the same person as the Marco Antonio Delgado who is the subject of the Judgment described above.
- (5) Respondent has appealed the criminal conviction.
- (6) Respondent was personally served with the Petition for Compulsory Discipline by a duly authorized private process server on June 8, 2014, and the affidavit of service was filed with BODA on July 11, 2014.
- (7) This Board has jurisdiction to hear and determine this matter. Tex. R. Disciplinary P. ("TRDP") 7.08(G);
- (8) Respondent, Marco A. Delgado, having been convicted of Conspiracy to Commit Money Laundering, has been convicted of an Intentional Crime as defined by TRDP 1.06(T).
- (9) Respondent has also been convicted of a Serious Crime as defined by TRDP 1.06(Z).
- (10) Having been found guilty and convicted of an Intentional and Serious Crime and having appealed such conviction, Respondent, Marco A. Delgado, should have his license to practice law in Texas suspended during the appeal of his criminal conviction. TRDP 8.04.
- (11) The Board retains jurisdiction to enter a final judgment in this matter when the criminal appeal is final.

Respondent's Motion to Stay Final Judgment of Disbarment

On April 15, 2019, after the hearing before the Board on Petitioner's First Amended Motion for Entry of Judgment of Disbarment, Respondent Delgado filed Respondent's Motion to Stay the Final Judgment of Disbarment and Request to Address the Board Via Conference Call. Respondent's Motion to Stay asks the Board to abate a final judgment of disbarment to allow him to file a motion for new trial in a related but separate criminal case, *United States of America v. Delgado*, Case No. 3:13-CR-00370-DCG, United States District Court, Western District of Texas, El Paso Division (wherein Respondent was convicted on February 27, 2018), and a 28 U.S.C. § 2255 motion in the criminal case referenced herein and made the basis of this

compulsory action. The Board notes that the motion Respondent attaches in support of his Motion to Stay, Marco Delgado's *Pro Se* Motion to Dismiss the Indictment; or, in the Alternative, Rule 33 Motion for a New Trial, Discovery, and an Evidentiary Hearing, was struck by the court from Cause No. EP-12-CR-2106 by order signed January 6, 2017.

The Commission for Lawyer Discipline objects to Respondent's Motion.

The Board finds that Respondent did not file an answer or objection to the Petition for Compulsory Discipline in 2014 or to the First Amended Motion for Entry of Judgment of Disbarment since being served on March 6, 2019. Respondent has not filed a verified denial contesting the finality of the judgment in Cause No. EP-12-CR-2106 as required by TRDP 8.05. Because the criminal conviction in Cause No. EP-12-CR-2106 is final for purposes of imposing a final judgment of disbarment pursuant to TRDP Part VIII, the Board finds that Respondent's Motion to Stay should be, and hereby is, **DENIED** in all respects.

Disbarment

The Board finds that Respondent has been convicted of an Intentional Crime, the criminal conviction is final, and Respondent's criminal sentence is not fully probated. Therefore, Respondent should be disbarred pursuant to TRDP Rule 8.05.

It is, therefore, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Marco A. Delgado, State Bar No. 00796001, 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, Marco A. Delgado, 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, Marco A. Delgado, 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 Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, 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.

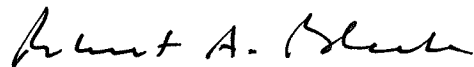
It is further **ORDERED** Respondent, Marco A. Delgado, shall, on or before thirty (30) days from the signing of this judgment by the Board, notify in writing each and every justice of the peace, judge, magistrate, administrative judge or officer and chief justice of each and every court or tribunal 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 Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, 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, Marco A. Delgado, 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 22 day of April 2019.



CHAIR PRESIDING