

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



FILED  
Jan. 10, 2022

IN THE MATTER OF §  
ROBERT RAY SMITH § CAUSE NO. 66183  
STATE BAR CARD NO. 18678070 §

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

MOTION FOR CONTINUANCE TO PETITION FOR COMPULSORY  
DISCIPLINE AND NOTICE OF HEARING FOR JANUARY 28, 2022

TO THE BOARD OF DISCIPLINARY APPEALS:

COMES NOW Respondent, Robert Ray Smith, (hereinafter called "Respondent"), would respectfully show as follows:

1. The parties in this proceeding are the Office of the Chief Disciplinary Counsel of the State Bar of Texas, ("Petitioner"), and Robert Ray Smith.

2. This matter is currently set for hearing on Friday, January 28, 2022, on 9:00 a.m. by **PETITION FOR COMPULSORY DISCIPLINE** filed on December 14, 2021, by the Office of the Chief Disciplinary Counsel of the State Bar of Texas.

3. Counsel for Respondent has a conflict on January 28, 2022, and is recuperating from surgery performed over the Christmas break. In addition, Respondent has requested and we are waiting for the production of evidence which is relevant to this proceeding from his counselor, his probation officer, and character witnesses which will all inform the panel's decision in this matter. Respondent began making requests immediately after receiving Petitioner's **PETITION FOR COMPULSORY DISCIPLINE**; however, he was impeded in his progress as the petition was served on him during the Christmas holidays. Therefore, we respectfully request a reset to a future date of at least 60 days that is mutually convenient to all parties. This request is not sought for delay but

so that justice can be done. This is Respondent's first request for continuance.

### PRAYER

WHEREFORE, PREMISES CONSIDERED, Respondent prays that this matter be continued for at least sixty days from its original setting of Friday, January 28, 2022, at 9:00 a.m. to a time and date mutually convenient to all parties. Respondent also seeks other and further relief to which Respondent may be entitled to receive.

Respectfully submitted,



Catherine Tabor – 19601790

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### CERTIFICATE OF CONFERENCE

Counsel for Respondent attempted to reach counsel for Petitioner, Judith Gres DeBerry, by phone on Friday, January 7, 2022, but was unable to determine if there would be an objection to this motion for continuance.

### CERTIFICATE OF SERVICE

I hereby certify by my signature above that a true and correct copy of the foregoing instrument has been sent for personal service on Judith Gres DeBerry, Assistant Disciplinary Counsel, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capital Station, Austin, TX 78711-2487 on this 10<sup>th</sup> day of January, 2022 via efile.