

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

Supreme Court Case
No. SC21-1323

v.

The Florida Bar File
No. 2020-10,416 (6E)

JORGE HENRIQUE ANGULO,
Respondent.

_____ /

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Jorge Henrique Angulo, and files this Conditional Guilty Plea pursuant to Rule 3-7.9 of the Rules Regulating The Florida Bar.

1. Respondent is, and at all times mentioned herein was, a member of The Florida Bar, subject to the jurisdiction of the Supreme Court of Florida.

2. Respondent is acting freely and voluntarily in this matter and tenders this Plea without fear or threat of coercion. Respondent is represented by Jodi A. Thompson, Esq. in this matter.

3. The Sixth Judicial Circuit Grievance Committee "E" found probable cause as to The Florida Bar File No. 2020-10,416 (6E).

Received, Clerk, Supreme Court

FEB 25 2022

4. The disciplinary measures to be imposed upon respondent are as follows:

- A. A six-month suspension from the practice of law; and
- B. Payment of the bar's cost in this disciplinary proceeding.

5. Respondent acknowledges that, unless waived or modified by the Court on motion of respondent, the court order will contain a provision that prohibits respondent from accepting new business from the date of the order or opinion and shall provide that the suspension is effective 30 days from the date of the order or opinion so that respondent may close out the practice of law and protect the interest of existing clients.

6. The following allegations and rules provide the basis for respondent's guilty plea and for the discipline to be imposed in this matter: Respondent represented the defendant in a criminal matter in Pinellas County. The defendant was on probation for other charges in Marion County when he was arrested for the charges in Pinellas County. On October 21, 2018, respondent moved for a speedy trial in the Pinellas County case because he believed the defendant had a strong defense. The trial was set for November 27, 2018.

On November 19, 2018, the defendant was sentenced to probation in the Marion County case. Based on that result, respondent and the

defendant wished to continue the November 27, 2018, trial; which was only a week away, to allow more time to attempt to settle the case. Respondent contacted the state attorney's office, and the state agreed to a continuance of the trial. Respondent contacted the court's judicial assistant to schedule a hearing on a motion to continue the trial, but the judge did not have any hearing time available prior to trial, due to the Thanksgiving holiday. As a result, respondent planned to waive speedy trial and to request a continuance on the morning of trial.

On November 27, 2018, respondent and the defendant appeared for trial and respondent requested the continuance. After hearing argument, the judge agreed to continue the trial but then did not have another date available due to his impending retirement in January. The court denied respondent's motion to continue the trial and advised the respondent that he could proceed to trial or the defendant could enter an open plea and return at a later date for sentencing at which time he could argue for a downward departure of the recommended sentence.

During a 45-minute break, respondent explained the court's ruling to the defendant. The defendant feared going to jail because he was a confidential informant to law enforcement. Respondent genuinely believed the defendant would receive a downward departure at sentencing of

probation to run concurrently with the Marion County probation. As a result, the respondent told the defendant he guaranteed the outcome of probation if defendant entered an open plea. The defendant advised respondent that he did not wish to proceed with the trial and wished to enter a plea. Respondent explained to the defendant to say during the plea colloquy that he had not been promised or guaranteed anything in exchange for his plea. On November 27, 2018, the defendant entered an open plea of guilty based on respondent's advice. During the plea colloquy, the defendant asserted he had not received any promises or guarantees in connection with his plea. Respondent failed to stop the defendant from knowingly misstating the truth regarding the guarantee respondent made about the downward departure.

At the sentencing hearing on December 5, 2018, the court denied the defendant's request for a downward departure and he was sentenced to 33.3 months in prison. Respondent immediately advised his client to file a pro se motion to withdraw plea and a motion for post-conviction relief based on ineffective assistance of counsel. Respondent also arranged for a colleague to represent the defendant in the matter, pro bono. At the evidentiary hearing on the defendant's motions, respondent admitted he

had instructed the defendant to lie to the court about the guarantee he made regarding the downward departure in sentencing.

7. Respondent admits that as a result of his conduct described above, he is guilty of violating the following Rules Regulating The Florida Bar: Rule 4-1.1 (Competence); Rule 4-1.2(d)(Objectives and Scope of Representation-Criminal or Fraudulent Conduct); Rule 4-3.3 (Candor Toward the Tribunal); Rule 4-3.4 (Fairness to Opposing Party and Counsel); Rule 4-4.1 (Truthfulness in Statements to others); Rule 4-8.4(a) (Misconduct – a lawyer shall not violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through an act of another); Rule 4-8.4(c) (Misconduct – a lawyer shall not engage in conduct involving dishonestly, fraud, deceit, or misrepresentation); and Rule 4-8.4(d) (Misconduct – a lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice).

8. Significant mitigation is present in this matter. Respondent has no prior disciplinary history and had no dishonest or selfish motive. Respondent genuinely believed that the defendant would receive a downward departure and be sentenced to probation when he gave his advice.

Respondent suffered from personal or emotional problems and a physical or mental disability or impairment at the time the conduct occurred. Respondent was involved in a contentious custody battle when he and his children were involved in a serious car accident that occurred just months prior to the client's plea at issue. Respondent suffered a concussion and lingering neurological issues including difficulty concentrating, feeling mentally foggy, short-term memory problems, feeling slowed down, fatigue, trouble multitasking, and aphasia as a result of the car accident, and the accident exacerbated his custody issues with his former spouse. Medical records documenting respondent's condition at the time the misconduct occurred have been filed with the referee and are unrebutted.

Respondent made a timely good faith effort to rectify the consequences of his misconduct by promptly advising his client to file a pro se motion to set aside his plea and for ineffective assistance of counsel. Respondent also found counsel to diligently represent the defendant pro bono. After the hearing on the defendant's motion to vacate his plea, the defendant immediately entered a new plea deal for a 13-month sentence and received credit for the 13 months he had served, and he was released from custody shortly thereafter. Respondent's client holds no grudge against the respondent and has acknowledged that he would not have

known he could file a motion for ineffective assistance of counsel without respondent advising him so.

Respondent also cooperated with the bar in its investigation and provided evidence of his good character and reputation through letters from colleagues in the legal community. Respondent has a long history of involvement with religious and community organizations. Respondent has also demonstrated interim rehabilitation because the conduct occurred over three years ago. Through this consent judgment, respondent has taken responsibility for his actions and demonstrated remorse for his misconduct.

9. The Florida Bar has approved this proposed plea in the manner required by Rule 3-7.9.

10. If this plea is not finally approved by the referee and the Supreme Court of Florida, then it shall be of no effect and may not be used by the parties in any way.

11. If this plea is approved, respondent agrees to eliminate all indicia of respondent's status as an attorney on email, social media, telephone listings, stationery, checks, business cards office signs or any other indicia of respondent's status as an attorney, whatsoever.

12. If this plea is approved, then respondent agrees to pay all reasonable costs associated with this case pursuant to Rule 3-7.6(q) in the

amount of \$1,792.00. These costs are due within 30 days of the court order. Respondent agrees that if the costs are not paid within 30 days of this court's order becoming final, respondent shall pay interest on any unpaid costs at the statutory rate. Respondent further agrees not to attempt to discharge the obligation for payment of the bar's costs in any future proceedings, including but not limited to, a petition for bankruptcy. Respondent shall be deemed delinquent and ineligible to practice law pursuant to Rule 1-3.6 if the cost judgment is not satisfied within 30 days of the final court order, unless deferred by the Board of Governors of The Florida Bar.

13. Respondent acknowledges the obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement and is also evidence of good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this proceeding may reflect adversely on any reinstatement proceedings or any other bar disciplinary matter in which respondent is involved.

14. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar.

Dated this 11 day of February, 2022.

Jorge Angulo

Jorge Henrique Angulo, Respondent
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Dated this 11th day of February, 2022.

Jodi A. Thompson

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Dated this 11th day of February, 2022.

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