

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

JORGE HENRIQUE ANGULO,

Respondent.

Supreme Court Case
No. SC-

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

_____ /

COMPLAINT

The Florida Bar, complainant, files this complaint against Jorge Henrique Angulo, respondent, pursuant to the Rules Regulating The Florida Bar and alleges:

1. Respondent is and was at all times mentioned herein a member of The Florida Bar admitted on July 30, 1999 and is subject to the jurisdiction of the Supreme Court of Florida.
2. Respondent practiced law in Pinellas County, Florida, at all times material.
3. The Sixth Judicial Circuit Grievance Committee "E" found probable cause to file this complaint pursuant to Rule 3-7.4, of the Rules Regulating The Florida Bar, and this complaint has been approved by the presiding member of that committee.

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4. Respondent represented the defendant in a criminal matter in Pinellas County Case No. 18-CF-6843.

5. The defendant was on probation for other charges in Marion County when he was arrested for the charges in Pinellas County.

6. On October 21, 2018, respondent moved for a speedy trial in the Pinellas County case, and the trial was set for November 27, 2018.

7. On November 19, 2018, the defendant was sentenced to probation in the Marion County case.

8. Respondent and the defendant wished to continue the November 27, 2018 Pinellas County trial date to allow more time to attempt to settle the case.

9. Respondent contacted the state attorney's office, and the state agreed to a continuance of trial.

10. Respondent attempted to contact the presiding judge's judicial assistant to schedule a hearing to continue the trial, but the judge did not have hearing time available prior to the November 27, 2018 trial date.

11. At the time set for trial on November 27, 2018, respondent requested a continuance; however, the court was unable to reschedule the trial to a later date, and respondent's motion to continue was denied.

12. The parties were expected to proceed with trial that same day, and respondent advised the defendant he could proceed with the trial or enter an open plea with a sentencing hearing to be held at a later date.

13. Respondent guaranteed the defendant that if he entered an open plea, he would receive a downward departure in sentencing and be sentenced to probation to run concurrently with his Marion County probation.

14. The defendant advised respondent that he did not wish to proceed with trial and wished to enter a plea.

15. Respondent instructed the defendant to say during the plea colloquy that he had not been promised or guaranteed anything in exchange for his plea.

16. On November 27, 2018, the defendant entered an open plea of guilty based on respondent's guarantee.

17. During the plea colloquy, the defendant asserted he had not received any promises or guarantees in connection with his plea.

18. Respondent failed to stop the defendant from knowingly misstating the truth during the plea colloquy regarding the guarantee respondent made about the downward departure.

19. At the sentencing hearing on December 5, 2018, despite respondent's guarantee to the defendant, the defendant's request for a downward departure was denied, and he was sentenced to 33.3 months in prison.

20. Respondent 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.

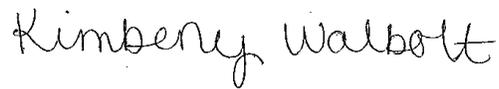
21. At the evidentiary hearing on the defendant's pro se motions, respondent admitted he had instructed the defendant to lie to the court about the guarantee he made regarding the downward departure in sentencing.

22. By reason of the foregoing, respondent has violated 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 the acts of another); **Rule 4-8.4(c)** (Misconduct – a lawyer shall not engage in conduct involving

dishonesty, 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).

WHEREFORE, The Florida Bar prays respondent will be appropriately disciplined in accordance with the provisions of the Rules Regulating The Florida Bar as amended.



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CERTIFICATE OF SERVICE

I certify that this document has been E-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, with a copy provided via email to Jodi Anderson Thompson, at jodi@jodiathompsonlaw.com and that a copy has been furnished by United States Mail via certified mail No. 7017 1450 0000 7821 0742, return receipt requested to Jodi Anderson Thompson, whose record bar address is 3637 S Hesperides St. Tampa, FL 33629-8337 and via email to Kimberly Anne Walbolt, Bar Counsel, kwalbolt@floridabar.org, on this 21st day of September, 2021.



Patricia Ann Toro Savitz
Staff Counsel

**NOTICE OF TRIAL COUNSEL AND
DESIGNATION OF PRIMARY EMAIL ADDRESS**

PLEASE TAKE NOTICE that the trial counsel in this matter is Kimberly Anne Walbolt, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Tampa Branch Office, 2002 N. Lois Ave., Suite 300, Tampa, Florida 33607-2386, (813) 875-9821 and kwalbolt@floridabar.org. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Staff Counsel, The Florida Bar, 651 E Jefferson Street, Tallahassee, Florida 32399-2300, psavitz@floridabar.org.

MANDATORY ANSWER NOTICE

RULE 3-7.6(h)(2), RULES REGULATING THE FLORIDA BAR,
PROVIDES THAT A RESPONDENT SHALL ANSWER A COMPLAINT.