

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Entered May 3, 1991

IN RE:

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ORDER NO. 91-14

HERIBERTO MEDRANO

ORDER

On April 15, 1991, an order of disbarment was signed by Judge Walter S. Smith, Jr., disbarring Mr. Heriberto Medrano from practicing before the United States District Court for the Western District of Texas and striking his name from the roster of enrolled attorneys.

A copy of that order is attached.

It is ORDERED that within five days of the receipt of this Order, Mr. Medrano shall file with the Clerk of this Court a list identifying all cases pending in this Court in which he is an attorney for any party.

Pursuant to Appendix A, Rules of Discipline, Rule 2, it is ORDERED:

- 1 . Mr. Heriberto Medrano shall within 30 days after service of this Order inform this Court in writing, why, based on the record of the disbarment proceedings, this Court should not impose identical sanctions; and,
2. In the event Mr. Medrano files a written response herein, he shall attach a certified copy of the record of the disbarment proceeding.

The failure of Mr. Medrano to timely file such written response will result in the imposition of disciplinary action identical to that taken by the United States District Court for the Western District of Texas. Should a written response be filed, the Court shall set a hearing for Mr. Medrano to show cause why disciplinary action should not be taken against him. It is further

ORDERED that the Clerk of the Court shall forward a copy of this Order to Mr. Medrano by certified mail.

SIGNED this 3rd day of May, 1991, at Houston, Texas.

 /s
JAMES DEANDA
CHIEF JUDGE
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

EX PARTE:
HERIBERTO MEDRANO

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O R D E R

On February 21, 1991, a hearing was held concerning allegations that Heriberto Medrano, an attorney admitted to practice before the Courts of the Western District of Texas, had violated applicable canons of ethics and thereby the Local Rules of this Court. Due notice and an opportunity to appear were afforded Mr. Medrano.

Appearing to present the matters to the Court were Mr. Medrano, who presented argument and cross-examined witnesses, but did not take the stand and testify; Mr. Gary Cohen, an attorney licensed to practice before this Court; Mr. Gerald Carruth, assistant U.S. Attorney; Ernest Vasquez, a client of Mr. Cohen's and co-defendant of Robert John Greig; and Robert John Greig.

Having considered the matters presented immediately prior to jury selection in the case styled United States of America v. Hanley, Greig and Vasquez, A-90-CR-160; testimony elicited during that trial; and testimony and arguments presented at the hearing subsequent to that trial, this Court makes the following findings:

Findings of Fact

- 1) Mr. Medrano was retained to represent Robert John Greig in Cause No. A-90-CR-160.
- 2) Mr. Cohen was retained to represent Ernest Vasquez in this case.
- 3) Mr. Cohen negotiated a plea agreement on behalf of Mr. Vasquez, whereby Mr. Vasquez would enter a guilty plea and testify for the government during the trial of Mr. Hanley and Mr. Greig.
- 4) On some unspecified date, Mr. Greig and Mr. Medrano visited with Mr. Vasquez. A general discussion was had during which Mr. Medrano questioned Mr. Vasquez, and discussed with him matters concerning the case against Mr. Vasquez and Mr. Greig.
- 5) On a second occasion, during the week before jury selection which took place on February 19, 1991, Mr. Medrano and Mr. Greig again visited Mr. Vasquez,

this time at his place of employment. On this occasion, Mr. Medrano urged Mr. Vasquez not to plead guilty and testify; assured him he had a valid entrapment defense; and told Mr. Vasquez that Mr. Cohen was not properly representing him.

6) At the time of this second visit, Mr. Medrano was aware that Mr. Vasquez had agreed to plead guilty. His purpose, and that of Mr. Greig, was to prevent Mr. Vasquez from testifying so that Mr. Greig would not be convicted. The Court is well aware that Mr. Medrano and Mr. Greig testified to the contrary, and that Mr. Vasquez expressed difficulty in remembering some details. In considering all of the facts and the demeanor of the witnesses, the Court finds Mr. Greig's and Mr. Medrano's testimony to not be credible in this regard, and makes these findings regarding Mr. Medrano's statements and motives by a preponderance of the evidence.

7) At no time did Mr. Medrano ever seek or have Mr. Cohen's permission to speak to Mr. Vasquez.

8) Mr. Medrano's conduct constitutes clear violations of Texas State Bar Disciplinary Rules of Professional Conduct 4.02, and are therefore violations of the Local Rules of this Court.

Conclusions of Law

1) The actions of Mr. Medrano in Cause No. A-90-CR-160 constitute violations of State Bar of Texas Disciplinary Rules of Professional Conduct 4.02 and Local Rules AT-4 and AT-2(b) and constitutes conduct unbecoming a member of the Bar. Accordingly,

it is

ORDERED that Heriberto Medrano, State Bar of Texas No. 13897800 is DISBARRED from practicing before the Courts of the 'United States, western district of Texas. The Clerk shall strike his name from the list of enrolled attorneys. it is further

ORDERED that copies of this Order be furnished by the Clerk of the Court to the Chief Judge of the western, eastern, northern and southern districts of Texas and to Thomas P. Curtis, Chairman, District 12 Grievance committee, State Bar of Texas, 201 N. 1st Street, P. O. Box 2644, Harlingen, Texas 78551-2644.

SIGNED this 15th day of April, 1991.

 /s\
WALTER S. SMITH, JR.
UNITED STATES DISTRICT JUDGE