

SUPREME COURT, STATE OF COLORADO
TWO EAST 14TH AVENUE
DENVER, COLORADO 80203

CASE NO. 04SA405

ORIGINAL PROCEEDING IN UNAUTHORIZED PRACTICE OF
LAW, 04UPL045

RECEIVED

Petitioner:

JAN 0 3 2005

THE PEOPLE OF THE STATE OF COLORADO,

ATTORNEY
REGULATION

v.

Respondent:

ANTHONY R.M. MARTINEZ, III

ORDER OF COURT

Upon consideration of the Unopposed Petition for Injunction filed in the above cause, and now being sufficiently advised in the premises,

IT IS THIS DAY ORDERED that said Respondent, ANTHONY R.M. MARTINEZ, III shall be, and the same hereby is, ENJOINED from further engaging in the unauthorized practice of law.

IT IS FURTHER ORDERED that Respondent is assessed costs in the amount of \$91.00. Said costs to be paid to the Office of Attorney Regulation Counsel, 600 17th St., Suite 200-S within thirty days of the date of this order.

BY THE COURT, DECEMBER 29, 2004.



Copies mailed via the State's Mail Services Division on 01/05/05 HOP

Kim Ikeler
Assistant Regulation Counsel

Anthony R.M. Martinez, III
503 N. Main St., #652
Pueblo, CO 81003

Anthony R.M. Martinez, III
2609 Sitter Pl.
Pueblo, CO 81003

SUPREME COURT, STATE OF COLORADO
2 East 14th Avenue, 4th Floor
Denver, Colorado 80203

ORIGINAL PROCEEDING IN UNAUTHORIZED
PRACTICE OF LAW

Petitioner:
THE PEOPLE OF THE STATE OF COLORADO

vs.

Respondent:
ANTHONY R.M. MARTINEZ, III

Kim E. Ikeler, #15590
Assistant Regulation Counsel
Attorney for Petitioner
600 17th Street, Suite 200-South
Denver, CO 80202

Phone Number: (303) 866-6440
Fax Number: (303) 893-5302

FILED IN THE
SUPREME COURT

DEC 28 2004

OF THE STATE OF COLORADO
SUSAN J. FESTAG, CLERK

▲ COURT USE ONLY ▲

Case Number: 04UPL045

UNOPPOSED PETITION FOR INJUNCTION

Petitioner, by and through Kim E. Ikeler, Assistant Regulation Counsel, and upon authorization pursuant to C.R.C.P. 234(a)¹, respectfully requests that the Colorado Supreme Court issue an order pursuant to C.R.C.P. 234 enjoining respondent from the unauthorized practice of law. As grounds therefor, counsel states as follows:

1. The respondent, Anthony R.M. Martinez, III, is not licensed to practice law in the state of Colorado. The respondent's last known business address is 503 N. Main St., #652, Pueblo, CO 81003. The respondent's last known residential address is 2609 Sitter Place, Pueblo, CO 81003.

2. In June 2004, respondent prepared and signed a pleading entitled "Motion for Sentence Reconsideration and Amendment of Stay of Execution" in the case of *People v. Dominic Rudolph Suazo*, Pueblo County Court, Case No.

¹ The Unauthorized Practice of Law ("UPL") Committee authorized the filing of this petition on December 10, 2004.

03M3068. Respondent purported to be the legal representative of the defendant, Mr. Suazo. Respondent signed the pleading as "Hon. Anthony R. Maximilian Martinez, III, Esq., Attorney at Law".

3. Respondent also prepared and sent to the District Attorney a "Motion for Reconsideration of Sentence" in the same case. Respondent added to his signature a purported attorney number "MAR327".

4. During June 2004, respondent used a voice-mail message that stated in pertinent part: "Thank you for calling the law office of the Honorable Anthony R. Maximilian Martinez, III".

5. In June 2004, respondent appeared before Judge Victor I. Reyes of the 10th Judicial District Court. Respondent represented to Judge Reyes that respondent was an attorney licensed in the State of Alabama since June 2003. Respondent repeated this false representation under oath.

6. In July 2004, respondent was charged with several related offenses including perjury and criminal impersonation. The charges stemmed from respondent's having assumed the false or fictitious identity of an attorney, including by posing as an attorney in open court.

7. On July 27th, respondent pled guilty to criminal impersonation to gain a benefit, a felony, and to an added count, forgery of a government-issued document, also a felony. Respondent was sentenced for these crimes on September 27, 2004, to jail time (he received credit for time served), to two-years probation, and to pay restitution and fees.

8. Respondent has stipulated that, by signing pleadings and appearing in court as a purported legal representative, respondent engaged in the unauthorized practice of law. See the attached Stipulation, Agreement and Affidavit Consenting to an Order of Injunction.

9. By holding himself out to be an attorney, the respondent engaged in the unauthorized practice of law (the unauthorized practice of law includes acting as a representative in protecting, enforcing or defending the legal rights and duties of another and/or counseling advising and assisting that person in connection with legal rights and duties. See *Denver Bar Association v. P.U.C.*, 154 Colo. 273, 391 P.2d 467 (1964)). The respondent does not fall within any of the statutory or case law exceptions.

WHEREFORE, the petitioner prays that this court enjoin respondent from engaging in any unauthorized practice of law. Furthermore, petitioner

requests that the court assess respondent \$91 in costs and order any other relief deemed appropriate by this court.

Respectfully submitted this 28th of December 2004.



Kim E. Ikeler, #15590
Assistant Regulation Counsel
Attorney for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 28th day of December, 2004, a true and correct copy of the foregoing UNOPPOSED PETITION FOR INJUNCTION was placed in the United States mail, first class postage prepaid, addressed to:

Anthony R.M. Martinez
2609 Sitter Place
Pueblo, CO 81003



SUPREME COURT, STATE OF COLORADO
2 East 14th Avenue, 4th Floor
Denver, Colorado 80203

ORIGINAL PROCEEDING IN UNAUTHORIZED
PRACTICE OF LAW

Petitioner:
THE PEOPLE OF THE STATE OF COLORADO

vs.

Respondent:
ANTHONY R.M. MARTINEZ, III

Kim E. Ikeler, # 15590
Assistant Regulation Counsel
Attorney for Petitioner
600 17th Street, Suite 200-South
Denver, CO 80202
Phone Number: (303) 866-6440
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▲ COURT USE ONLY ▲

Case Number:
04UPL045

**STIPULATION, AGREEMENT AND AFFIDAVIT CONSENTING TO AN ORDER
OF INJUNCTION**

On this 24th day of November 2004, Kim E. Ikeler, Assistant Regulation Counsel, and Anthony R.M. Martinez, III, the respondent, enter into the following stipulation, agreement, and affidavit consenting to an order of injunction ("stipulation") and submit the same to the Colorado Supreme Court for a finding and order of injunction pursuant to C.R.C.P. 229-237.

1. The respondent resides at 2609 Sitter Place, Pueblo, CO 81003. The respondent is not licensed to practice law in the State of Colorado.

2. The respondent enters into this stipulation freely and voluntarily. No promises have been made concerning future consideration, punishment, or lenience in the above-referenced matter. It is the respondent's personal decision, and the respondent affirms there has been no coercion or other intimidating acts by any person or agency concerning this matter.

3. The respondent is familiar with the rules of the Colorado Supreme Court regarding the unauthorized practice of law. The respondent acknowledges the right to a full and complete evidentiary hearing on the above-referenced petition for injunction. At any such hearing, the respondent would

have the right to be represented by counsel, present evidence, call witnesses, and cross-examine the witnesses presented by the petitioner. At any such formal hearing, the petitioner would have the burden of proof and would be required to prove the charges contained in the petition for injunction by a preponderance of the evidence. Nonetheless having full knowledge of the right to such a formal hearing, the respondent waives that right.

4. The respondent and the petitioner stipulate to the following facts and conclusions:

- a. In June 2004, respondent prepared and signed a pleading entitled "Motion for Sentence Reconsideration and Amendment of Stay of Execution" in the case of *People v. Dominic Rudolph Suazo*, Pueblo County Court, Case No. 03M3068. Respondent purported to be the legal representative of the defendant, Mr. Suazo. Respondent signed the pleading as "Hon. Anthony R. Maximilian Martinez, III, Esq., Attorney at Law".
- b. Respondent also prepared and sent to the District Attorney a "Motion for Reconsideration of Sentence" in the same case. Respondent added to his signature a purported attorney number "MAR327".
- c. During June 2004, respondent used a voice-mail message that stated in pertinent part: "Thank you for calling the law office of the Honorable Anthony R. Maximilian Martinez, III".
- d. In June 2004, respondent appeared before Judge Victor I. Reyes of the 10th Judicial District Court. Respondent represented to Judge Reyes that respondent was an attorney licensed in the State of Alabama since June 2003. Respondent repeated this false representation under oath.
- e. In July 2004, respondent was charged with several related offenses including perjury and criminal impersonation. The charges stemmed from respondent's having assumed the false or fictitious identity of an attorney, including by posing as an attorney in open court.
- f. On July 27th, respondent pled guilty to criminal impersonation to gain a benefit, a felony, and to an added count, forgery of a government-issued document, also a felony. Respondent was sentenced for these crimes on September 27, 2004, to jail time (he received credit for time served), to two-years probation, and to pay restitution and fees.

g. Through the respondent's conduct described in paragraphs (a) through (d) above, the respondent engaged in the unauthorized practice of law.

5. Pursuant to C.R.C.P. 251.32, the respondent agrees to pay the costs and administrative costs in the sum of \$91.00 incurred in conjunction with this matter within sixty (60) days after the acceptance of the stipulation by the Colorado Supreme Court.

RECOMMENDATION FOR AND CONSENT TO ORDER OF INJUNCTION

Based on the foregoing, the parties hereto recommend that an order be entered enjoining the respondent from the unauthorized practice of law, and requiring that the respondent pay costs in the amount of \$91.

Anthony R.M. Martinez, III, the respondent; and Kim E. Ikeler, attorney for petitioner, acknowledge by signing this document that they have read and reviewed the above.

Anthony R. Martinez, III

Anthony R.M. Martinez, III, Respondent
2609 Sitter Place
Pueblo, CO 81003
Telephone: 719-565-0612

STATE OF COLORADO)
) ss.
COUNTY OF PUEBLO)

Subscribed and sworn to before me this 24 day of November, 2004, by Anthony R.M. Martinez, III, respondent.

Witness my hand and official seal.

My commission expires: 8/24/08

Kim E. Ikeler

Kim E. Ikeler
Assistant Regulation Counsel
600 17th Street, Suite 200-South
Denver, Colorado 80202
Telephone: (303) 866-6440
Attorney for Petitioner

Donna Gutierrez
Notary Public

