

Falls Church, Virginia 22041

File: D2004-153

Date: DEC - 2 2005

In re: MARIO ANTONIO BAUTISTA, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

PETITION FOR IMMEDIATE SUSPENSION

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Esquire

ON BEHALF OF DHS: Eileen M. Connolly, Appellate Counsel

ORDER:

PER CURIAM. On July 11, 2005, a jury verdict was filed in the California Superior Court for the County of Santa Clara concerning the respondent. The respondent was found guilty on numerous counts charged in the information, including, among others, sexual penetration of a person under the age of 16, and attempting to dissuade a victim from reporting a crime. The felony crimes are "serious crimes" within the meaning of 8 C.F.R. § 1003.102(h). On August 4, 2005, with additional reasons provided September 16, 2005, the Review Department of the California State Bar Court In Bank issued an order of interim suspension, as the respondent's crimes involved moral turpitude.

Consequently, on November 17, 2005, the Office of General Counsel for the Executive Office for Immigration Review petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. On November 22, 2005, the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service) asked that the respondent be similarly suspended from practice before that agency.

The petition is granted, and the respondent is hereby suspended, absent a showing of good cause, from the practice of law before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. See 8 C.F.R. § 1003.103(a).

Accordingly, the respondent is directed to promptly notify, in writing, any clients with cases currently pending before the Board, the Immigration Courts, or the DHS that the respondent has been suspended from practicing before these bodies. The respondent shall maintain records to evidence compliance with this order. Moreover, we direct that the contents of this notice be made available to the public, including at Immigration Courts and appropriate offices of the DHS.



FOR THE BOARD