

ORIGINAL

IN THE SUPREME COURT OF OHIO

DISCIPLINARY COUNSEL,	:	Case No. 2013-0999
	:	
Relator	:	
	:	
vs.	:	
	:	
ERIC CHARLES DETERS, ESQ.,	:	
	:	
Respondent	:	

RESPONSE TO RELATOR'S MOTION TO LIFT THE STAY

JONATHAN E. COUGHLAIN
(0026424)
Disciplinary Counsel

Joseph M. Caligiuri (0074786)
Chief Assistant Disciplinary Counsel
Counsel of Record
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411
614.461.0256
614.461.7205 (f)
Joseph.Caligiuri@sc.ohio.gov

Charles T. Lester, Jr. (0017601)
Attorney for Respondent
Counsel of Record
P.O. Box 75069
Fort Thomas, KY 41075-0069
(513) 685-7300, (859) 838-4294, (859)
781-2406
Fax: (859) 486-6590
Email: cteljr@yahoo.com, cteljr@fuse.net

RECEIVED

OCT 11 2013

CLERK OF COURT
SUPREME COURT OF OHIO

FILED

OCT 11 2013

CLERK OF COURT
SUPREME COURT OF OHIO

IN THE SUPREME COURT OF OHIO

DISCIPLINARY COUNSEL,	:	Case No. 2013-0999
	:	
Relator	:	
	:	
vs.	:	RESPONSE TO RELATOR'S
	:	MOTION TO LIFT THE STAY
ERIC CHARLES DETERS, ESQ.,	:	
	:	
Respondent	:	

The relator has moved to lift the stay on the proceedings in this matter because the Kentucky Supreme Court has denied respondent's Motion for Reconsideration and reinstated the original 60-day suspension. However, this Court should continue the stay pending the filing and disposition of the respondent's petition for writ of certiorari to the Supreme Court of the United States.

The undersigned counsel has been retained to prepare and file a petition for writ of certiorari to the Supreme Court of the United States. Pursuant to the rules of that court,

a petition for a writ of certiorari to review a judgment in any case, civil or criminal, entered by a state court of last resort . . . is timely when it is filed with the Clerk of this Court within 90 days after entry of the judgment.

U.S. S.Ct. R. 13(1). The Supreme Court of Kentucky entered its judgment on August 29, 2013. *See Relator's Motion, Exhibit A.* Thus, the petition in the Supreme Court of the United States is due November 27, 2013. In counsel's opinion, there is at least one meritorious ground for review by that Court: the denial of due process, by the failure to permit a record to be made at the Board of Governors when the Board heard the case *de novo*, and the Supreme Court of Kentucky reviews the decision of the Board based on the record created below. An additional ground is whether due process is accorded when bar counsel can override the orders of the Kentucky Supreme Court regarding discipline by filing an objection to reinstatement, making the period of suspension longer than ordered by the

Court.

Because of these significant due process issues, there is a probability that the petition to be filed in the Supreme Court of the United States will be granted, and the case heard on its merits. Such action could well reverse the decision of the Supreme Court of Kentucky. If the petition is denied or not successful, respondent will have to serve the sixty day reciprocal discipline.

The fact this is reciprocal discipline further supports the request for the continued stay. If respondent's petition is granted, and the Supreme Court of the United States reverses the Kentucky court's decision, but the stay is not continued, respondent will have unfairly served a sixty day suspension in Ohio.

Accordingly, this Court should continue to stay further proceedings in this matter until such time as the petition has been filed and the Supreme Court of the United States has finally disposed of the case.¹



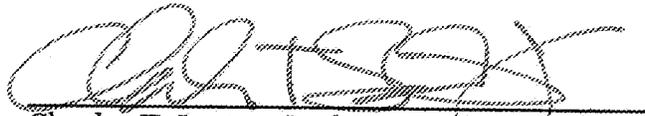
Charles T. Lester, Jr. (0017601)
Attorney for Respondent, Counsel of Record
P.O. Box 75069
Fort Thomas, KY 41075-0069
(513) 685-7300, (859) 838-4294, (859) 781-
2406
Fax: (859) 486-6590
Email: cteljr@yahoo.com and cteljr@fuse.net

CERTIFICATE OF SERVICE

I certify that on October 10, 2013, a copy of the foregoing was served upon Joseph

¹ Counsel would be happy to provide this Court with updates on the status of that matter, by filing a copy of the petition with this Court, and informing this court of the disposition of that petition, and further progress in that case.

M. Caligiuri, 250 Civic Center Drive, Suite 325, Columbus, Ohio 43215-7411,
Joseph.Caligiuri@sc.ohio.gov by U.S. Mail and e-mail transmission and upon Richard
Dove, Secretary, Board of Commissioners on Grievances and Discipline, 65 South Front
Street, 5th Floor, Columbus, OH 43215 by U.S. Mail.

A handwritten signature in black ink, appearing to read "Charles T. Lester, Jr.", written over a horizontal line.

Charles T. Lester, Jr. (0017601)
Attorney for Respondent, Counsel of Record