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**RESPONDENT'S MOTION FOR AN ORDER STAYING ALL PROCEEDINGS**

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Now comes the Respondent, by and through counsel, respectfully moving this Court for an Order Staying all proceedings until completion of the criminal proceedings in *State of Ohio v. Javier Armengau*, Franklin County Common Pleas Court Case Number 13CR-2217.

Respectfully submitted,

FREDERICK D. BENTON, JR.  
A Legal Professional Association

~~s/ Frederick D. Benton, Jr.~~

Frederick D. Benton, Jr.  
Ohio Supreme Court #0022800  
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**MEMORANDUM IN SUPPORT**

On Friday, June 13, 2014 the Respondent and his counsel were served with a voluminous package of material in support of Relator's Motion for an Immediate Interim Remedial Suspension. This motion and supporting documents were served as the Respondent and his counsel are in engaged in the trial of *State of Ohio v. Javier Armengau*, Franklin County Common Pleas Court Case Number 13CR-2217. Mr. Armengau has been indicted for multiple counts of Kidnapping, Public Indecency, Gross

Sexual Imposition, Rape, and Sexual Battery, violations of Ohio Revised Code §§2905.01, 2907.09, 2907.05, 2907.02, and 2907.03 respectively. This trial is now in its second week, and it is projected to last until the end of June and possibly the first week of July. This estimate does not include any time the jury may need for deliberations.

On June 16, 2014 this Court issued its Order to Respondent to reply to Relator's Motion by June 20, 2014. Mr. Armengau and his counsel will need a reasonable amount of time to prepare his response. The Respondent faces an impossible challenge. He cannot realistically fight for his very freedom while simultaneously answer this proposed sanction within a week after its filing and four days after the issuance of this Court's Order. The matters cited within Relator's Motion involve accusations dating from 2009 through 2013. Mr. Armengau has denied these allegations, many of which are being challenged during his trial. Consequently, the grievances cited to this Court have been matter of record for quite some time. As to each grievance, Mr. Armengau has submitted his response and denial. There is no reason why this proceeding and any related matter cannot be stayed until after his trial has been completed.

An interim suspension is an extraordinary proceeding and must be issued with great restraint and grave concern in balancing the interests of the public and Mr. Armengau. He too is entitled to due process of law as any other citizen. Giving him a reasonable amount of time to respond does not increase any alleged risk to the general public given the age of these grievances. This Court must also be sensitive to Mr. Armengau's interest in defending himself at trial without distraction or interference of any collateral matters. The only way this can be accomplished will be for the Court to

stay this and all related proceedings until after his trial has been completed.

Relator has declined Respondent's request for a stipulated extension.

Wherefore, Respondent respectfully moves this Court to grant said Motion for the reasons stated herein.

Respectfully submitted,

FREDERICK D. BENTON, JR.  
A Legal Professional Association

~~s/ Frederick D. Benton, Jr.~~

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## CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing pleading was delivered via electronic mail on this the 17<sup>th</sup> day of June, 2014 to the following:

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Counsel for Relator

Respectfully submitted,

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