

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,  
Complainant,

Supreme Court Case  
No. SC21-468

v.

The Florida Bar File  
No. 2020-30,767 (5A) (CFC)

DAMIEN ARANGUREN,  
Respondent.

\_\_\_\_\_/

**CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT**

COMES NOW, the undersigned respondent, Damien Aranguren, and files this Conditional Guilty Plea pursuant to Rule 3-7.9 of the Rules Regulating The Florida Bar.

1. Respondent is, and at all times mentioned herein was, a member of The Florida Bar, subject to the jurisdiction of the Supreme Court of Florida.

2. Respondent is acting freely and voluntarily in this matter and tenders this plea without fear or threat of coercion. Respondent is represented by counsel in this matter.

3. As to The Florida Bar File No. 2020-30,767 (5A) (CFC), on March 30, 2021, respondent was suspended from The Florida Bar pursuant to Rule 3-7.2(f). Respondent's suspension became effective thirty days from the date of the order to allow respondent to close out his practice and

protect the interests of existing clients.

4. The disciplinary measures to be imposed upon respondent are as follows:

A. An 18-month suspension from the practice of law, nunc pro tunc to the effective date of respondent's felony suspension, with proof of rehabilitation prior to reinstatement.

B. Upon reinstatement to the practice of law, a one-year period of probation with Florida Lawyers Assistance, Inc. with the following conditions:

i. Respondent will participate actively in the program offered by Florida Lawyers Assistance, Inc., by signing a rehabilitation contract with that organization within thirty (30) days of the order of the Supreme Court of Florida recommending reinstatement. Respondent shall follow all recommendations by Florida Lawyers Assistance, Inc. during the entire probation period.

ii. Respondent will pay a FLA, Inc., registration fee of \$250.00 and a probation monitoring fee of \$100.00 per month directly to FLA, Inc. The Florida Bar will monitor respondent's compliance with his FLA, Inc. rehabilitation contract, including nonpayment of the monthly monitoring fees. Should respondent

fail to pay FLA, Inc., respondent's failure to pay will be reported to The Florida Bar and the bar will follow up, with regards to respondent's noncompliance, up to and including holding respondent in contempt for failure to pay the monthly monitoring fees.

C. Payment of the bar's disciplinary costs.

5. The following allegations provide the basis for respondent's guilty plea in this matter:

A. On or about March 10, 2021, in State v. Aranguren, Case No. 20-CF-002496, in the Circuit Court of the Fifth Judicial Circuit, in and for Marion County, Florida, respondent entered pleas of nolo contendere to one count of Grand Theft (Statutory Theft), a third degree felony, and one count of Trespass to Structure, a second degree misdemeanor.

B. On or about March 10, 2021, in State v. Aranguren, Case No. 20-CF-002497, in the Circuit Court of the Fifth Judicial Circuit, in and for Marion County, Florida, respondent entered pleas of nolo contendere to two counts of Grand Theft (Statutory Theft), a third degree felony, and to one count of Trespass in Occupied Structure or Conveyance, a first degree misdemeanor.

C. The court withheld adjudication as to all counts and

sentenced respondent to two years of conditional probation as to the felony counts and to credit for time served as to the misdemeanor counts. The sentences run concurrent as to each count and concurrent as to each case (20-CF002496; 20-CF-002497).

D. At the time of the offenses, respondent was experiencing a mental health crisis triggered by an adverse reaction to prescribed medication.

E. Respondent initially entered the Recreational Vehicle (RV) of the first victim and attempted to drive away with it. Respondent was unsuccessful because the emergency brake was engaged. Respondent then tried to enter a vehicle belonging to the victim's son, but it was locked. Respondent struck the windows of the vehicle with his hands and then ran away.

F. Respondent drove to another location and handed his car keys to an individual (second victim) at the residence. Respondent then entered the residence of the second victim without permission. Respondent sat at a counter and used a laptop belonging to a family member at the residence. An individual inside the residence retrieved a firearm and directed respondent to leave the residence.

G. Once outside, respondent entered the vehicle of a third victim and attempted to drive away without success.

H. Respondent then entered the vehicle of a fourth victim but exited after the individual with the firearm gave him commands to leave.

I. Respondent subsequently entered his own vehicle but was not able to leave.

J. Respondent was placed under arrest and transported to the hospital for evaluation and treatment.

6. The following Rule Regulating The Florida Bar provides the basis for the discipline to be imposed in this matter: 4-8.4(b) A lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.

7. In mitigation, respondent has no prior disciplinary record [Florida Standards for Imposing Lawyer Sanctions 3.3(b)(1)]; did not have a dishonest or selfish motive [3.3(b)(2)]; respondent was experiencing a mental health crisis which was triggered by an adverse reaction to prescribed medication at the time of the offenses [3.3(b)(3), (8)]; he was forthcoming and cooperative with the bar [3.3(b)(5)]; respondent received criminal sanctions [3.3(b)(11)]; and, he expressed sincere remorse for his misconduct [3.3(b)(12)]. In aggravation, respondent engaged in a pattern of criminal conduct involving several victims [3.2(b)(3)].

8. The Florida Bar has approved this proposed plea in the manner

required by Rule 3-7.9.

9. If this plea is not finally approved by the referee and the Supreme Court of Florida, then it shall be of no effect and may not be used by the parties in any way.

10. If this plea is approved, then respondent agrees to pay all reasonable costs associated with this case pursuant to Rule 3-7.6(q) in the amount of \$1,435.00. These costs are due within 30 days of the Court order. Respondent agrees that if the costs are not paid within 30 days of this Court's order becoming final, respondent shall pay interest on any unpaid costs at the statutory rate. Respondent further agrees not to attempt to discharge the obligation for payment of the bar's costs in any future proceedings, including but not limited to, a petition for bankruptcy. Respondent shall be deemed delinquent and ineligible to practice law pursuant to Rule 1-3.6 if the cost judgment is not satisfied within 30 days of the final Court order, unless deferred by the Board of Governors of The Florida Bar.

11. Respondent acknowledges the obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement and is also evidence of good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this proceeding may reflect adversely on any reinstatement

proceedings or any other bar disciplinary matter in which respondent is involved.

12. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar.

Dated this 12<sup>th</sup> day of May, 2021.



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Respondent  
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Dated this 18<sup>th</sup> day of May, 2021.



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Dated this 18th day of May, 2021.

*Ashley Morrison*

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