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APR 24 2015

STATE BAR OF NEVADA

BY: [Signature]  
OFFICE OF BAR COUNSEL

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4 STATE BAR OF NEVADA

5 SOUTHERN NEVADA DISCIPLINARY BOARD

6 STATE BAR OF NEVADA, )  
7 Complainant, )  
8 vs. )  
9 ROBERT GLENNEN, ESQ., )  
10 BAR NO. 4250, )  
11 Respondent. )

PUBLIC REPRIMAND

11 TO: Robert Glennen, ESQ.  
12 C/O Michael Schwarz  
13 626 S. 7<sup>th</sup> Street, Suite 1  
14 Las Vegas, NV 89101

14 This public reprimand is issued pursuant to a conditional guilty plea in exchange for a state form of discipline. SCR 113.

15 In June 2013 you were working as the District Attorney for Esmeralda County Nevada. This position placed you in the role of lead criminal prosecutor for Esmeralda County but allowed you to take private clients so long as those representations did not conflict with your role as a prosecutor. On June 7, 2013 you agreed to represent Jody Bennett (Jody) in a child custody dispute against Angelica Keating (Angelica). This representation had nothing to do with your role as District Attorney.

19 Also on June 7, 2013 an arrest warrant was sworn out by Deputy Kirkland of the Esmeralda County Sherriff's Office charging Angelica, the baby's mother, with kidnapping and grand theft auto. While the warrant was dictated to an employee of the Esmeralda DA's office there is no evidence that you personally reviewed it before it was signed by the Justice of the Peace.

22 On June 8, 2013 Angelica was arrested in Texas on the Esmeralda County Warrant and extradited back to Nevada. She spent a total of 23 days in custody.

23 On June 11, 2013 a complaint was issued charging Angelica, Kimberly Keating (Kimberly), the baby's aunt, and Alicia Keating (Alicia) the baby's grandmother with felony kidnapping and grand larceny motor vehicle. The essence of the charges were that Angelica had taken the child she had with her ex-boyfriend Jody to Texas using a vehicle that she had taken from Jody. The theory of the charges against Kimberly and Alicia was that they acted as a principal in aiding and abetting Angelica in absconding with her child.

1 Alicia was ultimately arrested and extradited to Nevada on the Esmeralda warrant.  
2 She spent 15 days in custody.

3 On June 14, while Angelica was still in custody, you filed a child paternity and  
4 custody petition on behalf of Jody. Angelica was served with this petition while she was  
still in jail.

5 While in custody, Angelica was interviewed by Deputy Kirkland of the Esmeralda  
6 County Sherriff's office and told that if she signed over custody of the child she shared  
with Jody and agreed to plead guilty that the charges against her sister and mother would  
7 be dropped. Additionally, at some point while this was going on Angelica's brother,  
Martin Dominguez (Dominguez), received a phone call from Jody. According to  
8 Dominguez, Jody threatened that "if [he] had to go all the way there [his] lawyer (meaning  
you) is not going to drop the charges against [Kimberly, and Alicia].

9 On June 24, you told Angelica's Public Defender, Chris Arabia, that you would  
10 withdraw from the case and that if Angelica would plead guilty to misdemeanor charges  
that he would have the replacement prosecutor sign off on the deal.

11 On June 26, while Angelica was still in jail you filed a motion regarding the custody  
12 of the child on behalf of Jody. On this same date you finally filed a Motion pursuant to  
NRS 245.0435(2) acknowledging that there was a conflict of interest and that he must be  
13 disqualified from prosecuting the case.

14 NRS 245.0435(2) specifically states that: "A district attorney who is permitted to  
engage in the private practice of law shall disqualify himself or herself from any criminal  
15 prosecution of a person who has been involved in a matter related to the district  
attorney's private practice of law."

16 On July 1, 2013 Angelica had a court date wherein she was released on her own  
17 recognizance and the arrest warrant against Kimberly was quashed. Thereafter, on July  
8, 2013 the Justice of the Peace dismissed the arrest warrant and the criminal complaint  
18 specifically finding that:

19 "After having thoroughly reviewed and considered [Angelica's] motions to  
dismiss, motions to disqualify the district attorney's office for conflict and the  
20 State's answers, as well as applicable statutes, I believe this case is yet  
another example of law enforcement putting the cart before the horse in  
21 their haste to initiate criminal proceedings before conducting a thorough  
investigation.

22 [Angelica's] forth motion to dismiss, specifically Page 6 beginning on line 20  
23 and continuing to page 7, line 20, the reference to critical, relevant  
information being omitted from the affidavit and application for warrant of  
24 arrest, when an affidavit under oath requesting a warrant is filed the judge  
considers the request based on the truthfulness of the assertions.

25 Going to the second degree kidnapping charge pursuant to Nevada  
Revised Statute 245.0345, the<sup>2</sup> district attorney knew or should have known

1 that he could not represent the natural father, Jody Bennett, in a civil  
2 custody matter while prosecuting the natural mother, Angelica Keating.

3 The Judge then dismissed all charges against the Keatings. An order reflecting  
4 this decision was filed on July 19, 2013.

5 As mentioned above, the warrant was signed on June 7, 2013 and it was also on  
6 this day that Jody retained you for the custody matter.

7 On June 11, 2013 affidavits for arrest warrants were prepared and probable cause  
8 determined by the Justice of Peace regarding Kimberly and Alicia. You confirmed that  
9 you did in fact review these affidavits and warrants but indicate that when doing so did  
10 not realize that they pertained to the same matter as the Jody/Angelica matter. While it is  
11 your position that you did not realize that all these matters were interrelated until you was  
12 reviewed the criminal file on June 25, 2013 it is undeniable that you should have known  
13 of the relationship between the Keatings and Jody and pursuant NRS 245.0435(2) should  
14 have withdrawn from the case. Indeed in your own Motion to Withdraw you  
15 acknowledged that there was a potential conflict of interest and asserted:

16 "On June 7, 2013 Jody Foy Bennett retained [Glennen] to begin family  
17 court proceedings to return the child and vehicle. On or about June 11,  
18 2013, a criminal complaint was filed against the [Keatings], two of whom  
19 have been arrested.

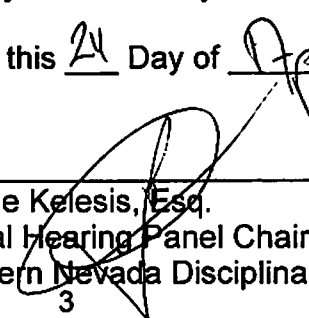
20 [Glennen] believed that there was a potential but not actual conflict of  
21 interest between the civil and criminal case, and had Jody sign a conflict  
22 waiver.

23 On June 25, 2013 [Glennen] reread NRS 245.0435(2), and it has become  
24 clear that statute creates an actual conflict of interest which requires this  
25 court to disqualify the DA from prosecuting [this case], and that the Court  
appoint a special prosecutor at the DA's expense to prosecute the above  
case."

As such it is apparent that you either knew or should have known of the conflict on  
June 11, 2013 when you had Jody sign the conflict waiver and should have withdrawn.

Your conduct as stipulated herein violates Respondent violated Rule of  
Professional Conduct (RPC) 1.7 (Conflict of Interest: Current Clients), and RPC 1.11  
(Special Conflict of Interest for Former and Current Government Officers and  
Employees). Based upon the foregoing you are hereby **PUBLICLY REPRIMANDED**.

Dated this 21 Day of April 2015.

  
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George Kelesis, Esq.  
Formal Hearing Panel Chair  
Southern Nevada Disciplinary Board