

Attorney indicted in sex assaults

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A Bexar County grand jury on Wednesday indicted a San Antonio attorney previously accused of coercing clients into having sex with him in exchange for money or legal services.

The indictment added to the charges against Mark H. Benavides, 46, bringing the total to 35 counts of sexual assault and compelling prostitution, both second degree felonies, involving nine alleged victims.

Benavides has been free on bail after his arrest in November following an investigation by the Bexar County District Attorney's Office and the San Antonio Police Department.

The indictment covers offense dates ranging from 2009 to 2015, according to the DA's office. The newest allegations were raised by a client who had asked for a new trial in 2015.

Before his arrest, several women had claimed that Benavides had coerced them into performing sex acts and that he videotaped the encounters, and more women came forward after the arrest, the DA's office said.

A woman who answered the phone at Benavides' law office Wednesday said he was unavailable for comment.

Attorneys under indictment can represent clients as long as they let them know they are under indictment, Melissa Barlow Fischer, general administrative counsel for the Criminal District Courts of Bexar County, said in an email.

"To make sure of that, the courts usually ask the defendants to make sure they know (about the indictment)," she said.

In December, Benavides was removed from the "wheel" that assigns court-appointed attorneys to indigent defendants accused of felonies, Fischer said.

She said Benavides advised the felony courts in January that he was closing down his law practice and asked for other lawyers to replace him on his remaining court-appointed cases, so she believes he is no longer representing any such clients. Fischer said she didn't know if he is representing any retained clients.

According to an arrest warrant affidavit last November, the first of Benavides' three accusers told investigators that she met him when she was 21 and a prostitute on the West Side. She said she had sex with him at the River Inn Motel at Frio and Guadalupe streets and that Benavides offered more money if he could film their encounter.

The affidavit stated that he gave her his card and offered his services as a lawyer if she ever needed help, which led to numerous sexual encounters at Benavides' law office, his vehicle, his father's office and a conference room used by lawyers at the Bexar County Courthouse.

Another former client of Benavides told police she was a defendant in a criminal case in 2012 in the 399th District Court and believed that Benavides' friendly relationship with Judge Ray Olivarri could hurt her case if she did not have sex with Benavides, according to the affidavit. Investigators have not accused Olivarri of wrongdoing in the matter.

A third accuser, also represented by Benavides in two separate criminal cases, told investigators that when she did not have money to pay for his legal services in one case, she had to meet him every Tuesday to make "payments" at a motel, according to the affidavit.

"All of the victims recounted that they felt they had no choice in the matter and that if they did not perform the sexual acts in the manner that Benavides required, they would go back to jail or he would not give them proper legal representation," the DA's office said in a statement released Wednesday.

Sexual assault and compelling prostitution are both second-degree felonies. If convicted, Benavides faces up to 20 years in prison and up to a \$10,000 fine for each count.

This report contains material from Express-News archives.

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