

OPINIONS OF THE SUPREME COURT OF OHIO

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Cincinnati Bar Association v. Evans.

[Cite as Cincinnati Bar Assn. v. Evans (1994), Ohio St.3d .]

Attorneys at law -- Misconduct -- Permanent disbarment -- Conviction on twenty felony counts.

(No. 94-973 -- Submitted September 13, 1994 -- Decided November 16, 1994.)

On Certified Report by the Board of Commissioners on Grievances and Discipline of the Supreme Court, No. 93-57.

By a complaint filed on October 18, 1993, relator, Cincinnati Bar Association, charged, inter alia, that respondent, Walter Colbert Evans of Chillicothe, Ohio, Attorney Registration no. 0042881, had been convicted of twenty felony counts in Hamilton County, Ohio, and that he had thereby violated DR 1-102(A)(3) (engaging in illegal conduct involving moral turpitude), 1-102(A)(4) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation), 1-102(A)(6) (engaging in conduct that adversely reflects on his fitness to practice law), and Gov.Bar R. V(6)(A) (conviction of a crime involving moral turpitude). Respondent was served with the complaint, and filed an answer professing his innocence of the charges for which he had been convicted and asserting that until his postconviction appeals had been completed, no disciplinary proceedings should be initiated against him for those matters. Respondent's convictions were affirmed by the Hamilton County Court of Appeals, case Nos. C-910443 and C-910515. Respondent's motions for leave to appeal to this court were overruled on January 19, 1994, and rehearing was denied on March 9, 1994.

The matter was submitted to a panel of the Board of Commissioners on Grievances and Discipline of the Supreme Court without oral hearing and upon the exhibits of relator. Supporting relator's complaint were a certified copy of the judgment entry of conviction against respondent (State of Ohio v. Walter Evans [June 12, 1991], Hamilton C.P. No. B 89-3269, unreported), and certified copies of this court's entries denying jurisdiction on January 19, 1994, and March 9, 1994. The judgment entry reflects that respondent was convicted of

the following felonies: one count of theft (over \$100,000) in violation of R.C. 2913.02; one count of receiving stolen property (over \$100,000) in violation of R.C. 2913.51; seven counts of forgery in violation of R.C. 2913.31; six counts of uttering in violation of R.C. 2913.31; one count of theft (over \$300) in violation of R.C. 2913.02; one count of breaking and entering in violation of R.C. 2911.13; one count of theft (over \$5,000) in violation of R.C. 2913.02; one count of vandalism in violation of R.C. 2909.05; and one count of receiving stolen property in violation of R.C. 2913.51.1 Respondent is currently serving the sentences imposed for these crimes.

Based on the foregoing, the panel found violations of DR 1-102(A)(3), 1-102(A)(4), 1-102(A)(6), and Gov.Bar R. V(6)(A). It then recommended the sanction recommended by relator, permanent disbarment. The board adopted the panel's findings and its recommendation.

Frederick O. Kiel and Maury M. Tepper, for relator.

Per Curiam. Having thoroughly reviewed the record, we agree with the board's findings of misconduct and its recommendation. Accordingly, respondent is hereby permanently disbarred from the practice of law in Ohio. Costs taxed to respondent.

Judgment accordingly.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

FOOTNOTE

1 Respondent was indefinitely suspended from the practice of law in Ohio on July 24, 1985, for matters unrelated to his conviction in case No. B 89-3269, including failure to maintain adequate records of a client's funds, conflict of interest, and failure to cooperate in a grievance investigation. See Dayton Bar Assn. v. Evans (1985), 18 Ohio St.3d 300, 18 OBR 348, 480 N.E.2d 1118.