

**FILED** <sup>MDS</sup>  
JUL 16 2008  
STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

**REVIEW DEPARTMENT OF THE STATE BAR COURT**

**IN BANK**

In the Matter of ) Case No.: **04-C-14371**  
)  
**MARC BRANDON LEVINE** ) **RECOMMENDATION OF SUMMARY**  
) **DISBARMENT**  
)  
A Member of the State Bar )  
\_\_\_\_\_ )

The State Bar's request for recommendation of summary disbarment, filed on May 8, 2008, is granted. On May 21, 2008, we filed an order to show cause (OSC) on or before June 9, 2008, directing respondent, Marc Brandon Levine, State Bar No. 149349, to show why we should not recommend his summary disbarment to the Supreme Court. Respondent did not file a response.

On April 26, 2006, following a jury trial in San Diego County Superior Court, respondent was convicted of three counts of grand theft (Pen. Code § 487, subd. (a)), and one count each of grand theft from an elder (Pen. Code § 368, subd. (d)) and conspiracy to defraud another of property (Pen. Code § 182, subd. (a)(4)). As a result of respondent's conviction we placed him on interim suspension effective August 18, 2006, and he has remained on interim suspension since that time. On December 5, 2007, the Court of Appeal, Fourth Appellate District, affirmed the trial court's judgment, and the clerk issued a remittitur on February 5, 2008. Respondent's conviction is now final. (Cal. Rules of Court, rule 8.272(b) [clerk of the Court of Appeal must issue a remittitur after expiration of the period for granting review by the Supreme Court].)

Respondent's conviction is conclusive proof that he committed the crime. (Bus. & Prof. Code, § 6101, subd. (a); *In re Crooks* (1990) 51 Cal.3d 1090, 1097.) The record of conviction



establishes that respondent's conviction meets the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c), as amended effective January 1, 1997. First, respondent's offenses are felonies. (Pen. Code § 17, subd. (a); Bus. & Prof. Code § 6102, subd. (b).) Second, the offenses involve moral turpitude. (*In re Basinger* (1988) 45 Cal.3d 1348, 1358 ["grand theft . . . necessarily involves moral turpitude"]; *In re Hallinan* (1954) 43 Cal.2d 243, 247 ["a crime in which an intent to defraud is an essential element is a crime involving moral turpitude"].) When an attorney's conviction meets the requirements of Business and Professions Code, section 6102, subdivision (c), "the attorney is not entitled to a State Bar Court hearing to determine whether lesser discipline is called for." (*In re Paguirigan* (2001) 25 Cal.4th 1, 7.) Disbarment is mandatory. (*Id.* at p. 9; see also *In re Lesansky* (2001) 25 Cal.4th 11, 17-18.)

We therefore recommend that respondent, Marc Brandon Levine, State Bar No. 149349, be summarily disbarred from the practice of law in this state. We also recommend that respondent be ordered to comply with rule 9.20 of the California Rules of Court and to perform the acts specified in paragraphs (a) and (c) of that rule within 30 and 45 days, respectively, after the effective date of the Supreme Court's order. Finally, we recommend that costs be awarded to the State Bar in accordance with Business and Professions Code, section 6086.10, such costs being enforceable both as provided in Business and Professions Code, section 6140.7 and as a money judgment.

  
Presiding Judge

**CERTIFICATE OF SERVICE**  
**[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]**

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on July 16, 2008, I deposited a true copy of the following document(s):

**RECOMMENDATION OF SUMMARY DISBARMENT FILED JULY 16,  
2008**

in a sealed envelope for collection and mailing on that date as follows:

- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**MARC B. LEVINE  
LEVINE & ASSOCIATES  
501 W BROADWAY STE 500  
SAN DIEGO, CA 92101**

**MARC B LEVINE #F29510  
BAUTISTA CC#36  
33015 BAUTISTA ROAD  
HEMET, CA 92544**

- [X] by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

**Dane Christopher Dauphine, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 16, 2008.

  
\_\_\_\_\_  
**Milagro del R. Salmeron**  
Case Administrator  
State Bar Court