

Filed January 11, 2006

**REVIEW DEPARTMENT OF THE STATE BAR COURT
IN BANK**

In the Matter of)	04-C-15250
REGINALD DENNARD GREENE)	RECOMMENDATION OF
No. 80120)	SUMMARY DISBARMENT
A Member of the State Bar.)	

The State Bar's request for a recommendation of summary disbarment, filed on September 14, 2005, is granted. On September 21, 2005, we filed an order to show cause directing respondent Reginald Dennard Greene to show why we should not recommend his summary disbarment to the Supreme Court. On November 21, 2005, due to an error in our earlier order to show cause, we filed a second order to show cause giving respondent additional time to respond. Respondent did not file a response to our orders.

In January 2005, respondent pled nolo contendere to one count of attempted robbery. (Pen. Code, §§ 664 & 211.) Respondent's accepted nolo contendere plea resulted in a conviction under the State Bar Act. (Bus. & Prof. Code, § 6101, subd. (e).) Pending the final disposition of this conviction, respondent was suspended from the practice of law effective May 27, 2005. (Bus. & Prof. Code, § 6102, subd. (a).) Respondent did not file a notice of appeal, and the time period for such filing has expired. Respondent's conviction is now final.

Respondent's conviction meets the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c) (hereafter § 6102(c).) To satisfy section 6102(c), the conviction must be final, a felony, and either contain as an element the "specific intent to deceive, defraud, steal, or make or suborn a false statement," or involve moral turpitude. The record establishes that the conviction is final and a felony. (See Bus. & Prof. Code, § 6102, subds. (a) and (b).)

We also conclude that respondent's conviction involved a specific intent to steal and is a crime of moral turpitude. (§ 6102(c).) An element of robbery is a "felonious taking," meaning

that the respondent must have intended to permanently deprive the victim of property. (*People v. Torres* (1995) 33 Cal.App.4th 37, 50.) An attempted robbery occurs when an individual has the specific intent to commit a robbery and commits an act that unambiguously reveals an intent to carry out the crime. (*People v. Dillon* (1983) 34 Cal.3d 441, 453; see *In re Lesansky* (2001) 25 Cal.4th 11, 17) Therefore, the specific intent to steal is an element of attempted robbery and satisfies section 6102(c). Additionally, attempted robbery is a crime of moral turpitude. Crimes requiring the specific intent to permanently deprive the victim of property, such as robbery and extortion, have traditionally been held to be crimes involving moral turpitude. (*In re Hallinan* (1954) 43 Cal.2d 243, 247-248; *In re Rothrock* (1940) 16 Cal.2d 449, 454.) When the actual commission of a crime involves moral turpitude so does its attempt. (*In re Lesansky, supra*, 25 Cal.4th 11, 17; *In re Conflenti* (1981) 29 Cal.3d 120, 124; *Libarian v. State Bar* (1952) 38 Cal.2d 328, 329-330.) Therefore, respondent's conviction of attempted robbery involves moral turpitude as required by section 6102(c).

Once an attorney's conviction satisfies section 6102(c), the State Bar Court must recommend summary disbarment, and "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.)

We therefore recommend that respondent Reginald Dennard Greene, State Bar number 80120, be summarily disbarred from the practice of law in this state. We also recommend that respondent be ordered to comply with rule 955 of the California Rules of Court and to perform the acts specified in paragraphs (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court's order. Finally, we recommend that the costs be awarded to the State Bar in accordance with section 6086.10 of the Business and Professions Code and that such costs be payable in accordance with section 6140.7 of the Business and Professions Code.

Presiding Judge

