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**FEB - 1 2011**

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

In the Matter of )  
)  
**MICHAEL JOSEPH MELTON** )  
)  
Member No. 48323 )  
)  
A Member of the State Bar. )  
\_\_\_\_\_ )

Case No.: **08-C-13497**

**RECOMMENDATION OF SUMMARY  
DISBARMENT**

On February 27, 2009, Michael Joseph Melton pled nolo contendere to one felony count of violating Penal Code section 186.10, subdivision (a) (money laundering). As a result of his conviction, we issued an order placing Melton on interim suspension, effective October 1, 2009. On August 27, 2010, the State Bar transmitted evidence that Melton's conviction is final, and filed a request for a summary disbarment recommendation. On December 14, 2010, we issued an order asking the parties to address whether Melton's conviction *necessarily* involves moral turpitude for purposes of the summary disbarment provision. Both parties filed responses to our order. Based on the criminal record in this case, we grant the State Bar's request and recommend that Melton be summarily disbarred.

After the judgment of conviction becomes final, "the Supreme Court shall summarily disbar the attorney if the offense is a felony . . . and an element of the offense is the specific intent to deceive, defraud, steal, or make or suborn a false statement, or involved moral turpitude." (Bus. & Prof. Code, § 6102, subd. (c).) When an attorney's conviction meets the requirements of the summary disbarment provision, "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.) The record of conviction establishes that Melton’s criminal violation meets the criteria for summary disbarment: First, there is no dispute that the offense is a felony (Bus. & Prof. Code, § 6102, subd. (b)), and second, the offense as charged and pled to in this case necessarily involves moral turpitude.

The record shows Melton was convicted of subdivision (a)(1) of Penal Code section 186.10, which prohibits conducting financial transactions through one or more financial institutions with the “specific intent to promote, manage, establish, carry on, or facilitate the promotion, management, establishment or carrying on of any criminal activity.”<sup>1</sup> The requisite mens rea requirement is met by showing the defendant had the specific intent to carry on the criminal activity. (*People v. Mays* (2007) 148 Cal.App.4<sup>th</sup> 13, 23, 28 [mens rea requirement under § 186.10, subd. (a)(1), similar to 18 U.S.C. § 1956(a)(1)(A)(i)].) Because section 186.10, subdivision (a)(1) covers defendants who intend to facilitate a broad range of “criminal activity,” the “statute ‘encompasses’ both ‘conduct that is turpitudinous and conduct that is not.’” (See *Smalley v. Ashcroft* (5<sup>th</sup> Cir. 2003) 354 F.3d 332, 336 [laundering money to conceal proceeds of illegal drug transaction as part of federal racketeering conviction is moral turpitude for deportation purposes].) Thus, we must determine whether Melton’s crime, as charged, falls within the category of criminal activity that constitutes moral turpitude. (*Ibid.*)

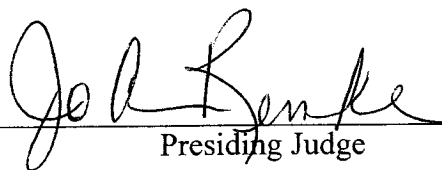
Based on the information and plea, Melton was convicted of conducting “a transaction involving a monetary instrument or instruments of a value exceeding \$202,632.98 through a financial institution with the intent to promote, manage, establish, carry on, and facilitate the

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<sup>1</sup> Subdivision (a)(2) prohibits conducting certain financial transactions “knowing that the monetary instrument represents the proceeds of, or is derived directly or indirectly from the proceeds of, criminal activity.” Since this is a divisible statute that defines two offenses, we have looked to the record of conviction to determine which part applies to Melton. (See *Carty v. Ashcroft* (9<sup>th</sup> Cir. 2005) 395 F.3d 1081, 1084.) Our recommendation does not address the moral turpitude classification of subdivision (a)(2).

promotion, management, establishment or carrying on of criminal activity, to wit: Grand Theft Personal Property.” More precisely, the issue is whether laundering money with the intent to facilitate the promotion of grand theft is a crime that necessarily involves moral turpitude. “Crimes of grand theft . . . have been recognized to involve heinous misconduct for an attorney” (*In re Smith* (1967) 67 Cal.2d 460, 462), and an attorney found to have the specific intent to promote such criminal activity certainly reflects “a bad moral character with respect to the duties of the attorney’s profession” and “is not worthy of the trust and confidence of his clients, the courts, or the public.” (*In re Hallinan* (1954) 43 Cal.2d 243, 248; see also *In re Paguirigan, supra*, 25 Cal.4th at p. 5 [“crimes of robbery, embezzlement and other forms of theft necessarily involve moral turpitude . . .”].) Thus, we find that Melton’s money laundering conviction constitutes a crime of moral turpitude.

We therefore recommend that Michael Joseph Melton, State Bar number 48323, be disbarred from the practice of law in this state. We also recommend that Melton be ordered to comply with rule 9.20 of the California Rules of Court and to perform the acts specified in subdivisions (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 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 February 1, 2011, I deposited a true copy of the following document(s):

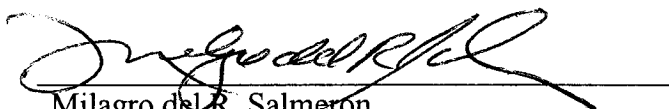
RECOMMENDATION OF SUMMARY DISBARMENT FILED FEBRUARY 1, 2011

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

- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:
- MICHAEL JOSEPH MELTON  
927 DEEP VALLEY DR #195  
ROLLING HILLS EST, CA 90274 - 3808
- by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:
- by overnight mail at , California, addressed as follows:
- by fax transmission, at fax number . No error was reported by the fax machine that I used.
- By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:
- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Murray B. Greenberg, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 1, 2011.



Milagro del R. Salmeron  
Case Administrator  
State Bar Court