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OCT 14 2011

STATE BAR COURT  
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**STATE BAR COURT OF CALIFORNIA**

**REVIEW DEPARTMENT**

**IN BANK**

In the Matter of	)	Case No. 09-C-12881
	)	
MATTHEW GALE KRANE,	)	RECOMMENDATION OF SUMMARY
	)	DISBARMENT
A Member of the State Bar, No. 94051.	)	
_____	)	

On September 7, 2011, the State Bar filed a request for recommendation of summary disbarment based on Matthew Gale Krane's felony conviction. Krane did not file a response. We grant the request and recommend that Krane be summarily disbarred.

On December 10, 2009, Krane pled guilty to a violation of title 18 United States Code section 1542 (false statement in passport application). Following Krane's guilty plea, we placed him on interim suspension as a result of the felony violation, effective April 23, 2010. On September 7, 2011, the State Bar transmitted evidence that Krane's conviction is final and moved for his summary disbarment.

After a judgment of conviction is 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).) The record of conviction establishes that Krane's violation of 18 United States Code section 1542 meets the criteria for summary disbarment as it is a felony that inherently involves moral turpitude.



Title 18 United States Code section 1542 is a divisible statute that defines two separate offenses.<sup>1</sup> “When a statute is divisible into several crimes, some of which may involve moral turpitude and some not, it is appropriate to examine the ‘record of conviction’ to determine which part applies to the defendant. [Citation.]” (*Carty v. Ashcroft* (9<sup>th</sup> Cir. 2005) 395 F.3d 1081, 1084.) Examination of the record of conviction for this purpose may include consideration of the “ ‘charging document, written plea agreement, transcript of plea colloquy, and any explicit factual finding by the trial judge to which the defendant assented.’ ” (*Omari v. Gonzales* (5<sup>th</sup> Cir. 2005) 419 F.3d 303, 308, citing *Shepard v. United States* (2005) 544 U.S. 13, 16 [125 S.Ct. 1254, 1257].) Based on the plea agreement, Krane pled guilty to intentionally making a false statement in an application for a United States passport.

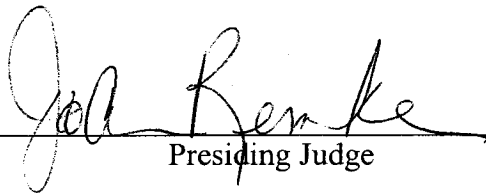
To establish guilt of procuring a passport by false statements, the government must prove that a defendant: 1) made a false statement in a passport application, 2) with knowledge of its falsity, and 3) that the defendant had the specific intent to secure issuance of a passport. (*United States v. Mount* (D.C. Cir. 1985) 757 F.2d 1315, 1318.) Since this offense requires that a false statement or statements be made for the specific purpose of obtaining a passport, a violation necessarily evidences intent to have the government rely on the false statement or statements. “Because deceit is inherently dishonest conduct, [a crime involving deceit] is a crime of moral turpitude.” (*People v. Maestas* (2005) 132 Cal.App.4<sup>th</sup> 1552, 1556-1557; see also *Chefsky v. State Bar* (1984) 36 Cal.3d 116, 124 [intentionally making false statements involves moral turpitude].)

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<sup>1</sup> Under this section, “Whoever willfully and knowingly makes any false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws; or ¶ Whoever willfully and knowingly uses or attempts to use, or furnishes to another for use any passport the issue of which was secured in any way by reason of any false statement -- ¶ Shall be fined under this title, imprisoned not more than 25 years . . . or both.” (18 U.S.C. § 1542.)

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.)

We therefore recommend that Matthew Gale Krane, State Bar number 94051, be disbarred from the practice of law in this state. We also recommend that he be ordered to comply with California Rules of Court, rule 9.20 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 October 14, 2011, I deposited a true copy of the following document(s):

RECOMMENDATION OF SUMMARY DISBARMENT FILED OCTOBER 14, 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:

MATTHEW GALE KRANE  
1451 N KINGS RD  
LOS ANGELES, CA 90069

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:

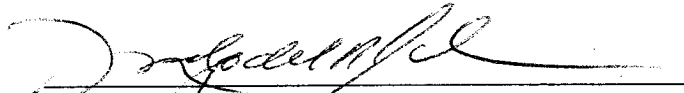
by fax transmission, at fax number . No error was reported by the fax machine that I used.

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 October 14, 2011.

  
Milagro R. Salmeron  
Case Administrator  
State Bar Court