

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
BROOKE A. SCHAFER, No. 194824
1149 South Hill Street
Los Angeles, California 90015-2299
Telephone: (213) 765-1000

ORIGINAL
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FEB 07 2013 J6

IN THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

IN THE MATTER OF THE) Case No. 09-C-16872
CONVICTION OF:)
) Transmittal of Records of Conviction of Attorney (Bus. & Prof.
ERIC FRANCIS FAGAN,) Code §§ 6101-6102; Cal. Rules of Court, rule 9.5 et seq.)
No. 87071)
) [X] Felony;
) [X] Crime(s) involved moral turpitude;
A Member of the State Bar) [] Probable cause to believe the crime(s) involved moral
) turpitude;
) [] Crime(s) which may or may not involve moral turpitude or
) other misconduct warranting discipline;
) [] Transmittal of Notice of Finality of Conviction.

To the CLERK OF THE STATE BAR COURT:

1. Transmittal of records.

- [X] A. Pursuant to the provisions of Business and Professions Code, section 6101-6102 and California Rules of Court, rule 9.5 et seq., the Office of the Chief Trial Counsel transmits a certified copy of the record of convictions of the following member of the State Bar and for such consideration and action as the Court deems appropriate:
- [] B. Notice of Appeal
- [] C. Evidence of Finality of Conviction (Notice of Lack of Appeal)
- [] D. Other



Name of Member: Eric Francis Fagan

Date member admitted to practice law in California: June 25, 1979

Member's Address of Record: 2220 Otay Lakes Rd. # 502-84

Chula Vista, CA 91915 1004

2. Date and court of conviction; offense(s).

The record of conviction reflects that the above-named member of the State Bar was convicted as follows:

Date of entry of conviction: December 21, 2012

Convicting court: Superior Court of California, County of San Bernardino

Case number(s): FVI902353

Crime(s) of which convicted and classification(s): Penal Code § 187(a) (Murder), one count, a felony which involves moral turpitude (In re Kirschke (1976) 16 Cal. 3d 902); and Penal Code § 664/187(a) (Attempted Murder), one count, a felony for which there is probable cause to believe involves moral turpitude.

[X] 3. Compliance with Rule 9.20. (Applicable only if checked.)

We bring to the Court's attention that, should the Court enter an order of interim suspension herein, the Court may wish to require the above-named member to comply with the provisions of rule 9.20, California Rules of Court, paragraph (a), within 30 days of the effective date of any such order; and to file the affidavit with the Clerk of the State Bar Court provided for in paragraph (c) of rule 9.20 within 40 days of the effective date of said order, showing the member's compliance with the provisions of rule 9.20.

[X] 4. Other information to assist the State Bar Court

Sentencing in this matter is set for February 8, 2013. The State Bar will be filing a request for summary disbarment upon finality of this conviction.

DOCUMENTS TRANSMITTED:

Information
Minute Order dated December 21, 2012 (conviction)

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: 6 Feb. 2013

BY: 
Brooke A. Schafer
Senior Trial Counsel

A copy of this transmittal and its
Attachments have been sent to:

Eric Francis Fagan
2220 Otay Lakes Rd. # 502-84
Chula Vista, CA 91915 1004

Courtesy copy to:

Eric Francis Fagan
Booking # 0910342787
West Valley Detention Center
9500 Etiwanda Ave.
Rancho Cucamonga, CA 91739

DECLARATION OF SERVICE

by

U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 09-C-16872

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California 90015, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

TRANSMITTAL OF RECORDS OF CONVICTION OF ATTORNEY; INFORMATION; MINUTE ORDER DATED DECEMBER 21, 2012 (CONVICTION)



By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))

- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.



By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))



By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ('UPS').



By Fax Transmission: (CCP §§ 1013(e) and 1013(f))

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.



By Electronic Service: (CCP § 1010.6)

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.



(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: (see below)



(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 7196 9008 9111 0442 7498 at Los Angeles, addressed to: (see below)



(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS, Tracking No.: addressed to: (see below)

Table with 4 columns: Person Served via Certified Mail, Business-Residential Address, Fax Number, and Courtesy Copy via Regular U.S. Mail to. Row 1: ERIC FRANCIS FAGAN, 2220 Otay Lakes Road #502-84 Chula Vista, CA 91915-1004, Electronic Address, Eric Francis Fagan Booking # 0910342787 West Valley Detention Center 9500 Etiwanda Avenue Rancho Cucamonga, CA 91739

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ('UPS'). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: February 7, 2013

SIGNED:

Handwritten signature of Genelle De Luca-Suarez and printed name Genelle De Luca-Suarez Declarant