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State Bar Court of California Hearing Department Los Angeles DISBARMENT		
Counsel For The State Bar Drew Massey, Bar No. 244350 Deputy Trial Counsel Ashod Mooradian, Bar No. 194283 Senior Trial Counsel 845 South Figueroa Street Los Angeles, CA 90017-2525 Tel: (213) 765-1204 Bar # 244350	Case Number(s): 09-C-16877-DFM 09-C-16875 09-C-10808 (consolidated)	For Court use only <div style="text-align: center;"> <p>FILED</p> <p>DEC 23 2014 <i>SPC</i></p> <p>STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p> </div>
In Pro Per Respondent John Halfpenny 1418 Daws Road Blue Bell, PA 19422 Tel: 610-275-1302 Bar # 154434	<p style="font-size: 2em; font-weight: bold; margin: 0;">PUBLIC MATTER</p>	
In the Matter of: JOHN PATRICK HALFPENNY Bar # 154434 A Member of the State Bar of California (Respondent)		
Submitted to: Settlement Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT DISBARMENT <input type="checkbox"/> PREVIOUS STIPULATION REJECTED		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted **December 16, 1991**.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of (13) pages, not including the order.
- (4) A statement of acts or omissions acknowledged by respondent as cause or causes for discipline is included under "Facts."



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- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- Costs to be awarded to the State Bar.
 - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - Costs are entirely waived.
- (9) ORDER OF INACTIVE ENROLLMENT:
The parties are aware that if this stipulation is approved, the judge will issue an order of inactive enrollment under Business and Professions Code section 6007, subdivision (c)(4), and Rules of Procedure of the State Bar, rule 5.111(D)(1).

B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standards 1.2(f) & 1.5]. Facts supporting aggravating circumstances are required.

- (1) **Prior record of discipline**
- (a) State Bar Court case # of prior case
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (e) If respondent has two or more incidents of prior discipline, use space provided below:
- (2) **Dishonesty:** Respondent's misconduct was intentional, surrounded by, or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) **Trust Violation:** Trust funds or property were involved and respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. **See attachment, page 11.**
- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.

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- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. **See attachment, page 11.**
- (8) **Restitution:** Respondent failed to make restitution.
- (9) **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standards 1.2(g) & 1.6]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client, the public, or the administration of justice.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted with a good faith belief that was honestly held and reasonable.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct respondent suffered extreme emotional difficulties or physical or mental disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and the difficulties or disabilities no longer pose a risk that Respondent will commit misconduct.
- (9) **Severe Financial Stress:** At the time of the misconduct, respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) **Family Problems:** At the time of the misconduct, respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's extraordinarily good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by subsequent rehabilitation.

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(13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

Pre-trial Stipulation and No Prior Discipline. See attachment page 11.

D. Discipline: Disbarment.

E. Additional Requirements:

- (1) **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (2) **Restitution:** Respondent must make restitution to _____ in the amount of \$ _____ plus 10 percent interest per year from _____. If the Client Security Fund has reimbursed _____ for all or any portion of the principal amount, respondent must pay restitution to CSF of the amount paid plus applicable interest and costs in accordance with Business and Professions Code section 6140.5. Respondent must pay the above restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than _____ days from the effective date of the Supreme Court order in this case.
- (3) **Other:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: JOHN PATRICK HALFPENNY
CASE NUMBERS: 09-C-16877, 09-C-16875, 09-C-10808

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that the facts and circumstances surrounding the offenses for which he was convicted involved misconduct warranting discipline and, in case number 09-C-10808, moral turpitude.

Case numbers 09-C-16877, 09-C-16875, and 09-C-10808 are proceedings pursuant to sections 6101 and 6102 of the Business and Professions Code and rule 9.10 of the California Rules of Court.

In each case, the Review Department of the State Bar Court issued an order referring the matter to the Hearing Department for a hearing and decision recommending the discipline to be imposed in the event that the Hearing Department finds that the facts and circumstances surrounding the offense(s) for which respondent was convicted involved moral turpitude or other misconduct warranting discipline.

Case No. 09-C-16877 (Conviction Proceeding)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

1. On April 6, 2007, the Philadelphia County District Attorney filed a criminal complaint in the Philadelphia County Court of Common Pleas, case number MC-51-CR-0015452-2007, charging respondent with one count of violation of Pennsylvania Consolidated Statutes, title 23, section 6114 (Contempt for Violation of Order or Agreement), a misdemeanor.
2. The text of section 6114, subsection (a) is as follows: "Where the police, sheriff or the plaintiff have filed charges of indirect criminal contempt against a defendant for violation of a protection order issued under this chapter, a foreign protection order or a court-approved consent agreement, the court may hold the defendant in indirect criminal contempt and punish the defendant in accordance with law."
3. On July 31, 2007, the court entered respondent's plea of guilty to one count of violation of Pennsylvania Consolidated Statutes, title 23, section 6114 (Contempt for Violation of Order or Agreement).
4. At the time of the entry of the plea, the court imposed sentence and ordered that respondent be placed on reporting probation for six months to the domestic violence unit. Respondent was further ordered to complete parenting classes, and receive mental health treatment.

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FACTS:

5. On January 14, 2007, respondent's wife, Ms. Halfpenny, informed respondent that she intended to file for dissolution of their marriage. In response, and in the presence of respondent and Ms. Halfpenny's children, respondent assaulted Ms. Halfpenny and caused her bodily harm. Ms. Halfpenny was forced to flee the home and call the police from a neighbor's house.

6. On January 18, 2007, Ms. Halfpenny secured a valid Protection from Abuse ("PFA") order (order number 0701V7927) which required that respondent maintain a significant distance from Ms. Halfpenny and avoid contacting her by other means such as by telephone. This order was properly served on respondent and remained valid through January 2010. At all relevant times, respondent had notice of the PFA order.

7. From January 18, 2007 through February 14, 2007 and again from February 21, 2007 through late March 2007, respondent attended an in-patient drug and alcohol rehabilitation center in Florida. He returned to Pennsylvania in late March 2007.

8. Upon his return, he repeatedly violated the PFA by coming to Ms. Halfpenny's home and by calling her at all hours of the day and night.

9. On April 5, 2007, respondent came to Ms. Halfpenny's home in violation of the PFA. Ms. Halfpenny called the police after witnessing his approach. He was arrested on the lawn of the home by Philadelphia police officers.

CONCLUSIONS OF LAW:

10. The facts and circumstances surrounding the above-described conviction do not involve moral turpitude but do involve other misconduct warranting discipline.

Case No. 09-C-16875 (Conviction Proceeding)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

11. On July 11, 2008, the Philadelphia County District Attorney filed a criminal complaint in the Philadelphia County Court of Common Pleas, case number MC-51-CR-0036787-2008, charging respondent with one count of violation of Pennsylvania Consolidated Statutes, title 23, section 6114 (Contempt for Violation of Order or Agreement), a misdemeanor, one count of violation of Pennsylvania Consolidated Statutes, title 18, section 2709.1 (Stalking), a misdemeanor, and one count of violation of Pennsylvania Consolidated Statutes, title 18, section 2709 (Harassment), a summary offense.

12. On December 5, 2008, the court entered respondent's plea of guilty to one count of violation of Pennsylvania Consolidated Statutes, title 23, section 6114 (Contempt for Violation of Order or Agreement) and one count of violation of Pennsylvania Consolidated Statutes, title 18, section 2709.1 (Stalking). One count of violation of Pennsylvania Consolidated Statutes, title 18, section 2709 (Harassment) was withdrawn.

13. The text of section 2709.1 is as follows: "A person commits the crime of stalking when the person either: (1) engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either

an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or (2) engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.”

14. On January 23, 2009, the court imposed sentence on this matter as well as the matter giving rise to State Bar case number 09-C-10808. The court ordered that respondent be incarcerated for twenty-five (25) to fifty (50) months. The court further ordered a ten (10) year period of reporting probation for the attempted burglary conviction and a seven (7) year period of reporting probation for the stalking conviction.

FACTS:

15. From July 9, 2008 through July 14, 2008, respondent repeatedly violated the PFA by making between seventy and ninety phone calls to Ms. Halfpenny.

16. On July 14, 2008, respondent spoke with his oldest son. Respondent told his son that he was going to come to the house and asked him to ask Ms. Halfpenny whether she would have respondent arrested. These comments were in violation of the PFA and Ms. Halfpenny terminated the call.

17. Thereafter, respondent called Ms. Halfpenny multiple times and left threatening messages on her answering machine. Ms. Halfpenny became frightened and called the police. Based on recent interactions with respondent, the police recommended that Ms. Halfpenny and her family leave the home.

18. The police provided an escort at the house for Ms. Halfpenny to gather a few things and then escorted her out of the neighborhood. After she vacated, respondent sent Ms. Halfpenny an e-mail stating, “Nice white van with blue letters I just saw. Hope the kids liked it too. ...” This confirmed that respondent had, in fact, come by the house.

19. Ms. Halfpenny found the constant harassment extremely disturbing and frightening based on the prior assault.

CONCLUSIONS OF LAW:

20. The facts and circumstances surrounding the above-described violation(s) do not involve moral turpitude but do involve other misconduct warranting discipline.

Case No. 09-C-10808 (Conviction Proceeding)

PROCEDURAL BACKGROUND IN CONVICTION PROCEEDING:

21. On September 15, 2008, the Philadelphia County District Attorney filed a criminal information in the Philadelphia County Court of Common Pleas, case number CP-51-CR-0011907-2008, charging respondent with one count of an attempted violation of Pennsylvania Consolidated Statutes, title 18, section 3502 (Attempted Burglary), a felony, one count of violation of Pennsylvania Consolidated Statutes, title 18, section 3503 (Criminal Trespass), a felony, one count of violation of Pennsylvania Consolidated Statutes, title 18, section 2709.1 (Stalking), a felony, one count of violation of Pennsylvania Consolidated Statutes, title 23, section 114 (Contempt for Violation of Order or

Agreement), a misdemeanor, one count of violation of Pennsylvania Consolidated Statutes, title 18, section 907 (Possession of Instruments of a Crime with Intent), a misdemeanor, one count of violation of Pennsylvania Consolidated Statutes, title 18, section 2706 (Terroristic Threats with Intent to Terrorize Another), a misdemeanor, and one count of violation of Pennsylvania Consolidated Statutes, title 18, section 2709 (Harassment), as a misdemeanor.

22. On December 5, 2008, the court entered respondent's plea of guilty to one count of an attempted violation of Pennsylvania Consolidated Statutes, title 18, section 3502 (Attempted Burglary), one count of violation of Pennsylvania Consolidated Statutes, title 18, section 3503 (Criminal Trespass), one count of violation of Pennsylvania Consolidated Statutes, title 18, section 2709.1 (Stalking), one count of violation of Pennsylvania Consolidated Statutes, title 23, section 6114 (Contempt for Violation of Order or Agreement), and one count of violation of Pennsylvania Consolidated Statutes, title 18, section 2709 (Harassment). The court also entered respondent's plea of no contest to one count of violation of Pennsylvania Consolidated Statutes, title 18, section 907 (Possession of Instruments of a Crime with Intent). One count of violation of Pennsylvania Consolidated Statutes, title 18, section 2706 (Terroristic Threats with Intent to Terrorize Another) was withdrawn.

23. The definition of an "attempt" crime in Pennsylvania is set in Pennsylvania Consolidated Statutes, title 18, section 901. Subsection (a) of that statute is as follows: "A person commits an attempt when, with intent to commit a specific crime, he does any act which constitutes a substantial step toward the commission of that crime."

24. The text of section 3502, subsection (a) is as follows: "A person commits the offense of burglary if, with the intent to commit a crime therein, the person: (1) enters a building or occupied structure, or separately secured or occupied portion thereof that is adapted for overnight accommodations in which at the time of the offense any person is present; (2) enters a building or occupied structure, or separately secured or occupied portion thereof that is adapted for overnight accommodations in which at the time of the offense no person is present; (3) enters a building or occupied structure, or separately secured or occupied portion thereof that is not adapted for overnight accommodations in which at the time of the offense any person is present; or (4) enters a building or occupied structure, or separately secured or occupied portion thereof that is not adapted for overnight accommodations in which at the time of the offense no person is present."

25. The text of section 3503, subsection (a) is as follows: "(1) A person commits an offense if, knowing that he is not licensed or privileged to do so, he: (i) enters, gains entry by subterfuge or surreptitiously remains in any building or occupied structure or separately secured or occupied portion thereof; or (ii) breaks into any building or occupied structure or separately secured or occupied portion thereof."

26. The text of section 2709, subsection (a) is as follows: "A person commits the crime of harassment when, with intent to harass, annoy or alarm another, the person: (1) strikes, shoves, kicks or otherwise subjects the other person to physical contact, or attempts or threatens to do the same; (2) follows the other person in or about a public place or places; (3) engages in a course of conduct or repeatedly commits acts which serve no legitimate purpose; (4) communicates to or about such other person any lewd, lascivious, threatening or obscene words, language, drawings or caricatures; (5) communicates repeatedly in an anonymous manner; (6) communicates repeatedly at extremely inconvenient hours; or (7) communicates repeatedly in a manner other than specified in paragraphs (4), (5) and (6)."

27. The text of section 907, subsection (a) is as follows: "A person commits a misdemeanor of the first degree if he possesses any instrument of crime with intent to employ it criminally."

28. On January 23, 2009, the court imposed sentence on this matter as well as the matters giving rise to State Bar case number 09-C-16875. The court ordered that respondent be incarcerated for twenty-five (25) to fifty (50) months. The court further ordered a ten (10) year period of reporting probation for the attempted burglary conviction and a seven (7) year period of reporting probation for the stalking conviction.

FACTS:

29. On September 14, 2008, Ms. Halfpenny was at her residence in Philadelphia.

30. At approximately 5:30 p.m. that evening, respondent called Ms. Halfpenny's mother. He informed her that Ms. Halfpenny had two hours and then "something bad would happen." Ms. Halfpenny's mother called Ms. Halfpenny and relayed the information.

31. At approximately 7:00 p.m., Ms. Halfpenny took her three children upstairs to bathe them. At that time, she noticed respondent in her yard carrying a beige bag. Respondent was aware that Ms. Halfpenny and the children would be home alone at this time.

32. Ms. Halfpenny then contacted the police. When no response was immediately forthcoming, Ms. Halfpenny also contacted the district attorney's office.

33. Police officer Rosa Boone responded to the call. While Officer Boone was in the home, she and Ms. Halfpenny heard the exterior door knob to the family room turning. Officer Boone went to investigate and Ms. Halfpenny saw respondent fleeing through the back yard. She called out to Officer Boone and then immediately ran into the home.

34. Officer Boone gave chase, but respondent evaded her. However, while fleeing, respondent dropped the beige bag. That bag was recovered by Officer Boone who noted that it was covered with fresh blood. Ms. Halfpenny identified it as the bag that she had seen respondent carrying.

35. Officer Boone then emptied the contents of the bag carefully. The bag contained several items including a roll of duct tape, a white extension cord, a blue book of matches, a black scarf, a pair of leather gloves, and a thirteen-inch kitchen knife, among other items.

36. Upon further investigation, there was fresh blood outside the family room door from respondent. Respondent's blood was found at several doors and windows around the house including, but not limited to, the front door, the side door, two sets of exterior French doors, and the garage window (which was broken).

37. Officer Patrick Valentino arrived at the scene. Officer Valentino and his partner began by photographing the scene. As stated in his police report, Officer Valentino "believe[d] that [respondent] was attempting to murder [Ms. Halfpenny]." As noted in paragraph 21, the District Attorney did not bring murder charges.

38. Approximately ten squad cars arrived and a search began for respondent. The police used a variety of search techniques including a police dog. Respondent was found approximately one hour later and arrested. He was then treated for a serious cut on his hand.

39. After his arrest, respondent was held without bail. This incident caused Ms. Halfpenny extreme emotional turmoil and ongoing fear of respondent. In addition, the children were also negatively impacted.

CONCLUSIONS OF LAW:

40. The facts and circumstances surrounding the above-described violation(s) include felony criminal convictions and involve moral turpitude.

AGGRAVATING CIRCUMSTANCES.

Multiple Acts of Misconduct (Std. 1.5(b)): Respondent stands convicted of three separate criminal matters. The convictions arise from multiple acts of misconduct including repeated phone calls and confrontations in violation of a valid Protection from Abuse order, harassment, stalking, and attempted burglary. Thus, respondent has engaged in multiple and repeated acts of misconduct. (*In the Matter of Elkins* (Review Dept. 2009) 5 Cal. State Bar Ct. Rptr. 160, 168.)

Harm (Std. 1.5(f)): Respondent's misconduct has caused significant harm. The repeated stalking and harassment of Ms. Halfpenny resulted in extreme emotional turmoil to her and negatively impacted Ms. Halfpenny and respondent's children. Further, the repeated violation of the Protection from Abuse Order resulted in ongoing involvement by the courts and resulted in harm to the administration of justice.

MITIGATING CIRCUMSTANCES.

Pre-trial Stipulation. Respondent admitted to the misconduct and entered into this stipulation fully resolving this matter prior to the trial of the disciplinary charges. Respondent's cooperation at this stage will save the State Bar resources and time. Respondent's cooperation in this regard is a mitigating factor in this resolution. (*Silva-Vidor v. State Bar* (1989) 49 Cal.3d 1071, 1079 [where mitigative credit was given for entering into a stipulation as to facts and culpability].)

No Prior Discipline: Respondent was admitted to practice law in December 1991. Despite the fact that the misconduct is serious, respondent practiced as an attorney for sixteen (16) years from admission to the earliest misconduct herein (2007) and is therefore entitled to mitigation. (*Hawes v. State Bar* (1990) 51 Cal.3d 587, 596; see also, *In the Matter of Riordan* (Review Dept. 2007) 5 Cal. State Bar Ct. Rptr. 41 [giving credit even where misconduct is serious].)

AUTHORITIES SUPPORTING DISCIPLINE.

The Standards for Attorney Sanctions for Professional Misconduct "set forth a means for determining the appropriate disciplinary sanction in a particular case and to ensure consistency across cases dealing with similar misconduct and surrounding circumstances." (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.1. All further references to Standards are to this source.) The Standards help fulfill the primary purposes of discipline, which include: protection of the public, the courts and the legal profession; maintenance of the highest professional standards; and preservation of public confidence in the legal profession. (See std. 1.1; *In re Morse* (1995) 11 Cal.4th 184, 205.)

Although not binding, the Standards are entitled to "great weight" and should be followed "whenever possible" in determining level of discipline. (*In re Silverton* (2005) 36 Cal.4th 81, 92, quoting *In re*

Brown (1995) 12 Cal.4th 205, 220 and *In re Young* (1989) 49 Cal.3d 257, 267, fn. 11.) Adherence to the Standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar attorney misconduct. (*In re Naney* (1990) 51 Cal.3d 186, 190.) If a recommendation is at the high end or low end of a Standard, an explanation must be given as to how the recommendation was reached. (Std. 1.1.) "Any disciplinary recommendation that deviates from the Standards must include clear reasons for the departure." (Std. 1.1; *Blair v. State Bar* (1989) 49 Cal.3d 762, 776, fn. 5.)

In determining whether to impose a sanction greater or less than that specified in a given Standard, in addition to the factors set forth in the specific Standard, consideration is to be given to the primary purposes of discipline; the balancing of all aggravating and mitigating circumstances; the type of misconduct at issue; whether the client, public, legal system or profession was harmed; and the member's willingness and ability to conform to ethical responsibilities in the future. (Stds. 1.7(b) and (c).)

Standard 2.11 provides the sanction required for criminal convictions involving moral turpitude. It indicates that disbarment is appropriate for conviction of a felony in which the surrounding circumstances involve moral turpitude unless "the most compelling mitigating circumstance[s] clearly predominate." (Std. 2.11(b).)

The facts and circumstances surrounding respondent's convictions for attempted burglary, criminal trespass, and stalking involved moral turpitude. (*Dixon v. State Bar* (1982) 32 Cal.3d 728, 739 [characterizing "moral turpitude" as "an act of baseness, vileness or depravity in the private and social duties which a man owes to his fellowmen, or to society in general, contrary to the accepted and customary rule of right and duty between man and man." (citations omitted)].) Indeed, misconduct far below the threatening approach of respondent's stalking conviction has been held to be moral turpitude. (*In the Matter of Torres* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 138, 147 [numerous phone calls to client resulting in harassment and intentional infliction of emotional distress constituted acts of moral turpitude].)

Respondent's mitigation is not "the most compelling," neither does it "clearly predominate." In fact, there are substantial aggravating factors. "[T]he usual discipline for an attorney's conviction of a crime which involves serious acts of moral turpitude is disbarment." (*In the Matter of Oheb* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 920, 942.) There is no compelling reason to depart from that usual discipline in this matter. As such, respondent's conviction of a felony in which the facts and circumstances amount to moral turpitude warrants disbarment.

COSTS OF DISCIPLINARY PROCEEDINGS.

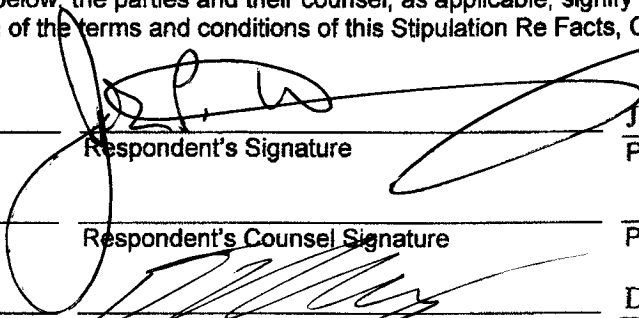
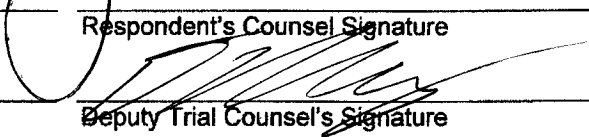
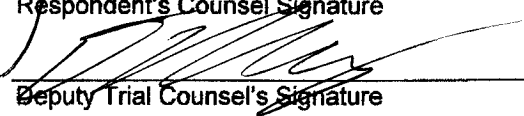
Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of December 5, 2014, the estimated prosecution costs in this matter are \$4,945.50. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

(Do not write above this line.)

In the Matter of: JOHN PATRICK HALFPENNY	Case number(s): 09-C-16877, 09-C-16875, 09-C-10808
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

<u>12/9/14</u> Date	 Respondent's Signature	<u>John Halfpenny</u> Print Name
<u>12-12-14</u> Date	 Respondent's Counsel Signature	<u>Drew Massey</u> Print Name
<u>12-12-14</u> Date	 Deputy Trial Counsel's Signature	<u>Drew Massey</u> Print Name

(Do not write above this line.)

In the Matter of:
JOHN PATRICK HALFPENNY

Case Number(s):
09-C-16877, 09-C-16875, 09-C-10808

DISBARMENT ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Respondent JOHN PATRICK HALFPENNY is ordered transferred to involuntary inactive status pursuant to Business and Professions Code section 6007, subdivision (c)(4). Respondent's inactive enrollment will be effective three (3) calendar days after this order is served by mail and will terminate upon the effective date of the Supreme Court's order imposing discipline herein, or as provided for by rule 5.111(D)(2) of the Rules of Procedure of the State Bar of California, or as otherwise ordered by the Supreme Court pursuant to its plenary jurisdiction.

Date

12-23-14


GEORGE E. SCOTT, JUDGE PRO TEM
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); 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 December 23, 2014, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING; ORDER OF INVOLUNTARY INACTIVE ENROLLMENT

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:

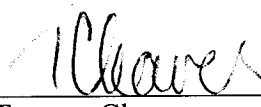
**JOHN P. HALFPENNY
1418 DAWS RD
BLUE BELL, PA 19422**

**JOHN P. HALFPENNY
HALFPENNY TECHNOLOGIES, INC
725 SKIPPACK PIKE STE 100
BLUE BELL, PA 19422**

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

DREW MASSEY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on December 23, 2014.



Tammy Cleaver
Case Administrator
State Bar Court