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

**REVIEW DEPARTMENT**

In the Matter of )  
 ) Case Nos. 10-C-01188,  
 ) 10-C-04617, 10-C-04618  
ROSEMARY TODD STATHAKIS-COOK, )  
 ) ORDER  
A Member of the State Bar, No. 104143. )  
\_\_\_\_\_ )

On June 22, 2011, the State Bar transmitted evidence that respondent Rosemary Todd Stathakis-Cook has been convicted of three criminal violations: (1) Arizona Revised Statutes section 28-1383A1 (aggravated driving under the influence (DUI)); (2) Arizona Revised Statutes section 13-1204A2 (aggravated assault with a deadly weapon); and (3) Arizona Revised Statutes section 28-1383A1 (aggravated DUI) -- violations that do not inherently involve moral turpitude, but may be based on the surrounding facts and circumstances.

Since all the convictions were entered as felonies in Arizona, on August 31, 2011, we ordered the parties to address: (1) whether the Arizona offenses would constitute felonies in California based on analogous California statutes; and (2) to the extent any California statute identified is a wobbler, whether the requirement set forth in Business and Professions Code section 6102, subdivision (d)(2), is satisfied. The State Bar filed its brief on September 7, 2011, modifying its previous position that all three convictions should be considered felonies in California, and contending now that only the aggravated assault offense satisfies the requirements of Business and Professions Code section 6102, subdivision (d). We agree.

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Although the State Bar correctly identified Penal Code section 245, subdivision (a)(1), as the analogous violation to respondent's Arizona aggravated assault offense, it also states "[t]he gravamen of the offenses in both jurisdictions involves an assault with a deadly weapon or instrument and is charged as felonies both in Arizona and California." This is inaccurate. Section 245 is a wobbler and therefore can be charged as a felony *or* misdemeanor. In this case, however, respondent was charged with and pled to a class 3 felony in Arizona, which requires a minimum prison sentence of 2 years and a maximum of 8.75 years. (Arizona Revised Statutes, § 13-702(D).) As provided for in the plea agreement, respondent was sentenced to the presumptive prison term of 3.5 years. (*Ibid.*) Under the circumstances, we find the elements of respondent's aggravated assault conviction constitute a felony in California for purposes of attorney discipline. (See Bus. & Prof. Code, § 6102, subd. (b) [crime is felony if declared to be so specifically or by Pen. Code, § 17, subd. (a)].)

As a result of the felony conviction, under the authority of rule 9.10(a), California Rules of Court, it is ordered pursuant to Business and Professions Code section 6102, subdivision (a), that respondent be suspended from the practice of law effective October 1, 2011, pending final disposition of this proceeding. It is further ordered that respondent comply with rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this suspension. As we have not yet received evidence that the convictions are final, we will take no further action pending the submission of evidence of finality of the convictions or respondent's waiver of finality pursuant to rule 5.344(B) of the Rules of Procedure of the State Bar.

**REMKE**

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Presiding Judge

**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. 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 September 21, 2011, I deposited a true copy of the following document(s):

**ORDER FILED SEPTEMBER 21, 2011**

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

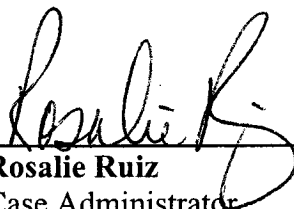
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**ROSEMARY STATHAKIS-COOK  
LAW OFFICE OF ROSEMARY COOK  
VILLAGE BUSINESS CENTER  
301 FOREST AVE  
LAGUNA BEACH, CA 92651**

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

**MURRAY GREENBERG, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 21, 2011.

  
\_\_\_\_\_  
**Rosalie Ruiz**  
Case Administrator  
State Bar Court