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STATE BAR COURT
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STATE-BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

In the Matter of)	Case No. 10-C-02277
)	
DAVID BOYER PRINCE,)	RECOMMENDATION OF
)	SUMMARY DISBARMENT
A Member of the State Bar, No. 166113.)	
_____)	

On December 17, 2013, the Office of Chief Trial Counsel filed a request for summary disbarment based on David Boyer Prince's conviction. Prince did not file a response. We grant the request and recommend summary disbarment based on the criminal record in this case.

On October 5, 2011, a jury convicted Prince of five felony counts of wire fraud in violation of title 18 United States Code section 1343. Effective December 11, 2011, we placed Prince on interim suspension. On December 17, 2013, the Office of Chief Trial Counsel submitted evidence that the conviction had become final.

After a 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).) The record of conviction establishes both criteria.

First, Prince was convicted of five felony counts of wire fraud. The offense is a felony because it may result in imprisonment in excess of one year. (See 18 U.S.C. § 3559(a) [classifying offenses based on sentencing ranges]; 18 U.S.C. § 1343 [sentencing range of up to twenty years in prison].) Thus, the first prong of the summary disbarment statute is satisfied.

Second, the offense inherently involves moral turpitude. The offense is committed by: "Whoever, having devised or intending to devise any scheme or artifice to defraud, or for

obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice.” (18 U.S.C. § 1343.) It is necessary to prove three elements: “ ‘(1) the formation of a scheme or artifice to defraud; (2) use of the United States wires or causing a use of the United States wires in furtherance of the scheme; and (3) specific intent to deceive or defraud.’ [Citations omitted].” (*Odom v. Microsoft Corp.* (9th Cir. 2007) 486 F.3d 541, 554.) Accordingly, the second prong is satisfied because the offense requires specific intent to deceive or defraud, and thus inherently involves moral turpitude. (See *In re Tezak* (D.C. App. 2006) 898 A.2d 383 [“ ‘Because specific intent to defraud is an essential element of the crime of wire fraud, ... it is a crime of moral turpitude *per se*.’].)

When an attorney’s conviction meets the summary disbarment requirements “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 David Boyer Prince, State Bar number 166113, 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.

REMKE

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 March 3, 2014, I deposited a true copy of the following document(s):

RECOMMENDATION OF SUMMARY DISBARMENT FILED MARCH 3, 2014

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

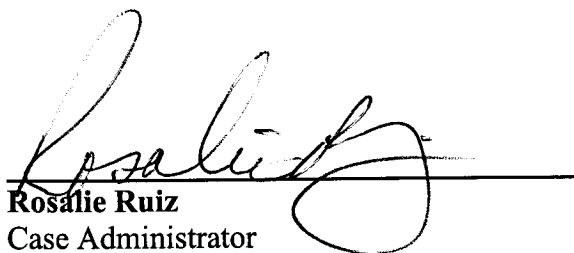
[X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

DAVID B. PRINCE
LAW OFFICES OF DAVID B. PRINCE
PO BOX 33144
LOS GATOS, CA 95031

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

DONALD R. STEEDMAN, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 3, 2014.


Rosalie Ruiz
Case Administrator
State Bar Court