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**STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 10-C-07756
)	
EDUARDO BRITO LEATON, JR.)	RECOMMENDATION OF SUMMARY
)	DISBARMENT
A Member of the State Bar, No. 195791.)	
_____)	

On February 22, 2011, the State Bar filed a request for recommendation of summary disbarment based on Eduardo Brito Leaton, Jr.'s felony conviction. Leaton did not file a response. We grant the request and recommend that Leaton be summarily disbarred.

On September 28, 2010, Leaton pled guilty to one felony count of violating Penal Code section 288.4, subdivision (b) (attending meeting with minor for lewd purpose).¹ As a result of his conviction, we issued an order placing Leaton on interim suspension, effective December 10, 2010. On February 22, 2011, the State Bar transmitted evidence that Leaton's conviction is final and requested his summary disbarment.

After the 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 in this case

¹Leaton also pled guilty to three felony violations of Penal Code section 311.4, subdivision (c) (use of minor to perform prohibited acts). We rely only upon Leaton's conviction under section 288.4, subdivision (b), in making our recommendation of summary disbarment.



establishes that Leaton's violation meets the criteria for summary disbarment under Business and Professions Code section 6102, subdivision (c).

First, the offense is a felony. (Pen. Code, § 17, subd. (a); Bus. & Prof. Code, § 6102, subd. (c).) Second, a violation of section 288.4, subdivision (b), is a crime that inherently involves moral turpitude. A conviction under this statute requires the prosecution to prove: "1) [a] person arranged a meeting with a minor or a person he . . . believed to be a minor; 2) [t]he person was motivated to arrange the meeting by an unnatural or abnormal sexual interest in children; 3) [t]he person had the specific intent to expose his . . . genitals or pubic or rectal area, or have the child expose his [or] her genitals, pubic or rectal areas, or engage in lewd and lascivious behavior; and 4) [t]he person went to the arranged meeting place at or about the arranged time." (CALJIC No. 10.59.2 (Spring 2010 rev.)) "The phrase 'engaging in lewd or lascivious behavior' includes any touching of the body of a child with the specific intent to arouse, appeal to, or gratify the sexual desires of either party." (*Ibid.*)

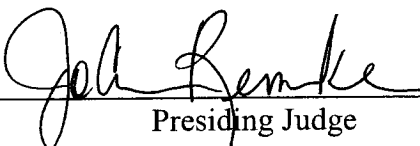
"In the attorney discipline context, the term 'moral turpitude' includes 'particular crimes that are extremely repugnant to accepted moral standards such as . . . serious sexual offenses [citation]. [Citation.]" (*In re Lesansky* (2001) 25 Cal.4th 11, 17.) One who arranges to meet a child to expose his genitals, have the child expose his or her genitals or engage in lewd and lascivious behavior "necessarily . . . intend[s] to harm the child." (*Ibid.*) We find that section 288.4, subdivision (b), is a serious sexual offense and conduct in violation thereunder is not in accordance with good morals. (See *Lesansky, supra*, 25 Cal.4th at p. 17 [attempting to commit lewd act on child is "serious sexual offense likely to result in harm to a child" and involves moral turpitude].)

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 Eduardo Brito Leaton, Jr. be disbarred from the practice of law in this state. We also recommend that Leaton be ordered to comply with rule 9.20 of the California Rules of Court 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 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 April 22, 2011, I deposited a true copy of the following document(s):

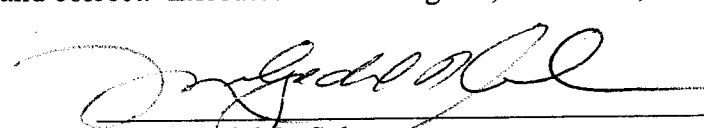
RECOMMENDATION OF SUMMARY DISBARMENT FILED APRIL 22, 2011

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:
- EDUARDO B. LEATON JR.
LAW OFFICE OF EDUARDO LEATON JR.
PO BOX 180116
LOS ANGELES, CA 90018
- ☐ 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 April 22, 2011.


Milagro del R. Salmeron
Case Administrator
State Bar Court