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APR 11 2016 *JG*

STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 10-C-09083
)	
FRANKLIN CASCO, JR.,)	RECOMMENDATION OF SUMMARY
)	DISBARMENT
A Member of the State Bar, No. 235815.)	
_____)	

On February 24, 2016, the Office of the Chief Trial Counsel of the State Bar (OCTC) filed a Motion for Summary Disbarment based on respondent's felony convictions. Respondent did not respond. We grant the motion and recommend that respondent be summarily disbarred.

On May 15, 2013, respondent was found guilty of violating Penal Code sections 530.5, subdivision (a) (identity theft) and 529, subdivision (3) (false personation) among other crimes. Respondent was placed on interim suspension, effective September 1, 2013. Respondent appealed his convictions. On February 24, 2016, OCTC transmitted evidence of the finality of respondent's convictions. Specifically, on May 22, 2015, the Court of Appeal of the State of California, Fourth Appellate District, Division Three, affirmed respondent's convictions.

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 establishes both criteria for summary disbarment.

First, respondent's offenses are felonies. (Bus. & Prof. Code, § 6102, subd. (b); Penal Code, §§ 17, 1170, subd. (h).) Second, a conviction for identity theft involves moral turpitude. Identity theft requires that respondent willfully acquired another's personal identifying information and used that information without consent for an unlawful purpose such as obtaining credit, goods, services, realty, or medical information. (Pen. Code, § 530.5, subd. (a).) This offense "contemplates misleading the person or entity from whom the goods, services, etc. are obtained." (*People v. Hagedorn* (2005) 127 Cal.App.4th 734, 747.) "An attorney's practice of deceit involves moral turpitude. (*Cutler v. State Bar* (1969) 71 Cal.2d 241, 253; accord *Coppock v. State Bar* (1988) 44 Cal.3d 665, 679 [an act by an attorney for the purpose of concealment or other deception is dishonest and involves moral turpitude].)

OCTC also argues that respondent's conviction for false personation involves moral turpitude. This court, however, has issued two orders in this matter classifying false personation as a crime that may or may not involve moral turpitude and has consistently classified false personation in the same way in other matters. Because respondent's felony conviction for identity theft establishes both criteria for summary disbarment, we do not reconsider at this time our prior classification of false personation.

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, supra*, 25 Cal.4th at p. 7.) Disbarment is mandatory. (*Id.* at p. 9.)

We therefore recommend that Franklin Casco, Jr., State Bar number 235815, 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.

PURCELL

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 April 11, 2016, I deposited a true copy of the following document(s):

RECOMMENDATION OF SUMMARY DISBARMENT FILED APRIL 11, 2016

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:

**FRANKLIN CASCO JR
FRANKLIN CASCO, JR
PO BOX 1347
TUSTIN, CA 92781**

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

CHARLES A. MURRAY, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 11, 2016.



Jasmine Guladzhyan
Case Administrator
State Bar Court