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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. 11-C-14850
)	
JOSEPH CARLYE BARRERA,)	RECOMMENDATION OF
)	SUMMARY DISBARMENT
A Member of the State Bar, No. 219583.)	
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On May 18, 2012, the State Bar filed a request for recommendation of summary disbarment based on Joseph Carlye Barrera's felony conviction. Barrera did not file a response. We grant the request and recommend that Barrera be summarily disbarred.

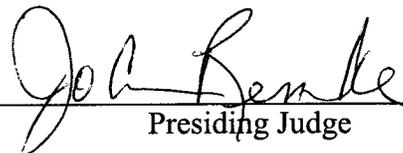
On December 5, 2011, Barrera pled nolo contendere to two felony counts of violating Penal Code section 470, subdivision (d) (forgery). Effective February 27, 2012, we placed Barrera on interim suspension. On May 18, 2012, the State Bar transmitted evidence that Barrera's conviction is final.

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

Barrera plea nolo contendere to two felony counts, which satisfies the first element of the summary disbarment provision. As for the second element, the offense of forgery requires evidence of the intent to defraud. (Pen. Code, § 470, subd. (d).) Crimes involving the intent to defraud involve moral turpitude per se. (*In re Kelley* (1990) 52 Cal.3d 487, 494; see also *In re Prantil* (1989) 48 Cal.3d 227, 234 [crime of forgery is a serious one involving 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 Joseph Carlye Barrera, State Bar number 219583, be disbarred from the practice of law in this state. We also recommend that he 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 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.



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 July 2, 2012, I deposited a true copy of the following document(s):

RECOMMENDATION OF SUMMARY DISBARMENT FILED JULY 2, 2012

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:

JOSEPH C. BARRERA
2250 JUAN PABLO LN
SANTA CRUZ, CA 95062

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:

Donald Robert Steedman, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 2, 2012.



Milagro del R. Salmeron
Case Administrator
State Bar Court