

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL
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FILED

SEP 03 2015

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

IN THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA

IN THE MATTER OF THE) Case No. 13-C-12885
CONVICTION OF:)
) Transmittal of Records of Conviction of Attorney (Bus. & Prof.
DELBERT JOE MODLIN,) Code §§ 6101-6102; Cal. Rules of Court, rule 9.5 et seq.)
No. 131265)
) Felony;
) Crime(s) involved moral turpitude;
A Member of the State Bar) Probable cause to believe the crime(s) involved moral
) turpitude;
) Crime(s) which may or may not involve moral turpitude or
) other misconduct warranting discipline;
_____) Transmittal of Notice of Finality of Conviction.

To the CLERK OF THE STATE BAR COURT:

1. Transmittal of records.

- A. Pursuant to the provisions of Business and Professions Code, section 6101-6102 and California Rules of Court, rule 9.5 et seq., the Office of Chief Trial Counsel transmits a certified copy of the record of convictions of the following member of the State Bar and for such consideration and action as the Court deems appropriate:
- B. Notice of Appeal
- C. Evidence of Finality of Conviction (Notice of Lack of Appeal)
- D. Other

Name of Member: Delbert Joe Modlin

Date member admitted to practice law in California: December 11, 1987

Member's Address of Record: Joe Modlin, Attorney at Law

9580 Oak Avenue Pkwy, Ste 7-291

Folsom, CA 95630

2. Date and court of conviction; offense(s).

The record of conviction reflects that the above-named member of the State Bar was convicted as follows:

Date of entry of conviction: May 20, 2015

Convicting court: Sacramento Superior Court

Case number(s): 14F05772

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Crime(s) of which convicted and classification(s): Corporation Code section 25401 [offering a security by means of a written or oral communication which included an untrue statement of a material fact or an omission of a material fact]. A knowingly false statement would involve moral turpitude *per se*. (*In re Kristovich* (1976) 18 Cal.3d 468, 472.) Corporation Code section 25401 does not require knowledge of the false or misleading nature of the statement or omission. Either actual knowledge of the falsity or misleading nature of the statement or the materiality of an omission, or criminal negligence in failing to investigate and discover them, are elements of the criminal offense. (*People v. Martin* (1995) 9 Cal.4th 493, 522.) Criminal negligence is "aggravated, culpable, gross, or reckless . . . conduct... [that is] such a departure from what the conduct of an ordinarily prudent or careful [person] under the same circumstances as to be incompatible with a proper regard for human life." (*People v. Valdez* (2002) 27 Cal.4th 778, 783.) While gross negligence can support a finding of moral turpitude (*In the Matter of Yee* (Review Dept. 2014) 5 Cal. State Bar Ct. Rptr. 330, 333-334), this conviction does not appear to involve moral turpitude *per se*. The underlying facts are needed to determine if this conviction involves moral turpitude or other misconduct warranting discipline.

3. Compliance with Rule 9.20. (Applicable only if checked.)

We bring to the Court's attention that, should the Court enter an order of interim suspension herein, the Court may wish to require the above-named member to comply with the provisions of rule 9.20, California Rules of Court, paragraph (a), within 30 days of the effective date of any such order; and to file the affidavit with the Clerk of the State Bar Court provided for in paragraph (c) of rule 9.20 within 40 days of the effective date of said order, showing the member's compliance with the provisions of rule 9.20.

4. Other information to assist the State Bar Court

DOCUMENTS TRANSMITTED:

First Amended Information filed 10/23/14
Minute Order/Proceedings dated 8/26/14
Minute Order/Proceedings from 9/30/14 to 10/23/14
Minute Order/Proceedings from 1/6/15 to 3/3/15
Minute Order/Proceedings from 3/5/15 to 3/19/15
Minute Order/Proceedings dated 3/20/15
Minute Order/Proceedings dated 4/9/15
Minute Order/Proceedings from 4/9/15 to 5/20/15
Minute Order/Plea dated 5/20/15
Minute Order/Proceedings dated 7/7/15

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL

DATED: September 3, 2015

BY: 
Allen Blumenthal
Senior Trial Counsel

A copy of this transmittal and its
Attachments have been sent to:

Delbert Joe Modlin
Joe Modlin, Attorney at Law
9580 Oak Avenue Pkwy, Ste 7-291
Folsom, CA 95630

DECLARATION OF SERVICE BY CERTIFIED MAIL

CASE NUMBER: 13-C-12885

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco, on the date shown below, a true copy of the within

TRANSMITTAL OF RECORDS OF CONVICTION OF ATTORNEY

in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 9414 7266 9904 2011 9766 83, at San Francisco, on the date shown below, addressed to:

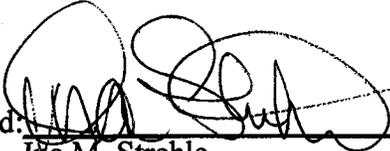
**Delbert Joe Modlin
Joe Modlin, Attorney at Law
9580 Oak Avenue Pkwy., Suite 7-291
Folsom, CA 95630**

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: September 3, 2015

Signed: 
Ina M. Strehle
Declarant