

PUBLIC MATTER

FILED

DEC 15 2014

1 STATE BAR OF CALIFORNIA  
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STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

8  
9 STATE BAR COURT

10 HEARING DEPARTMENT - SAN FRANCISCO

11  
12 In the Matter of: ) Case No. 13-O-17115  
13 CHARLES JEFFREY FLETCHER, ) [13-O-17297; 14-O-04354]  
No. 142464, ) NOTICE OF DISCIPLINARY CHARGES  
14 )  
15 A Member of the State Bar )

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17 NOTICE - FAILURE TO RESPOND!

18 IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE  
19 WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT  
THE STATE BAR COURT TRIAL:

- 20 (1) YOUR DEFAULT WILL BE ENTERED;  
21 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU  
WILL NOT BE PERMITTED TO PRACTICE LAW;  
22 (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN  
THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION  
AND THE DEFAULT IS SET ASIDE, AND;  
23 (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.  
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE  
24 OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN  
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT  
25 FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,  
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Charles Jeffrey Fletcher ("respondent") was admitted to the practice of law in the  
4 State of California on December 11, 1989, was a member at all times pertinent to these charges,  
5 and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 13-O-17115  
8 Rules of Professional Conduct, rule 3-110(A)  
9 [Failure to Perform with Competence]

10 2. On or about June 5, 2007, Robert Carroll-Jafari employed respondent to perform legal  
11 services, namely to file a petition for a writ of habeas corpus and to work with appellate counsel,  
12 which respondent intentionally, recklessly, or repeatedly failed to perform with competence, in  
13 willful violation of Rules of Professional Conduct, rule 3-110(A), by failing to file a petition for  
14 writ of habeas corpus and never communicating with appellate counsel or otherwise working  
15 with her.

16 COUNT TWO

17 Case No. 13-O-17115  
18 Rules of Professional Conduct, rule 3-310(F)  
19 [Accepting Fees From a Non-Client]

20 3. Between on or about June 7, 2007, and on or about August 9, 2007, respondent  
21 accepted a total of \$17,500 from Joell Reed as compensation for representing a client, Robert  
22 Carroll-Jafari, without obtaining his client's informed written consent to receive such  
23 compensation, in willful violation of the Rules of Professional Conduct, rule 3-310(F).

24 COUNT THREE

25 Case No. 13-O-17115  
26 Rules of Professional Conduct, rule 4-100(B)(3)  
27 [Failure to Render Accounts of Client Funds]

28 4. Between on or about June 7, 2007, and on or about August 9, 2007, respondent  
received from Joell Reed, the total sum of \$17,500 as advanced fees for representing Robert

1 Carroll-Jafari. Respondent thereafter failed to render an appropriate accounting to the client  
2 regarding those funds, following the client's request for such accounting on or about August 31,  
3 2010, in willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

4  
5 COUNT FOUR

6 Case No. 13-O-17115  
7 Rules of Professional Conduct, rule 3-700(D)(2)  
8 [Failure to Refund Unearned Fees]

9 5. Between on or about June 7, 2007, and on or about August 9, 2007, respondent  
10 received advanced fees totaling \$17,500 from Joell Reed for representing Robert Carroll-Jafari,  
11 specifically, to file a petition for a writ of habeas corpus and to work with appellate counsel.  
12 Respondent did not perform any legal service, and thus, did not earn any portion of the advanced  
13 fees paid. Respondent failed to refund promptly, upon respondent's termination of employment  
14 on or about September 8, 2010, any part of the \$17,500 fee, in willful violation of Rules of  
15 Professional Conduct, rule 3-700(D)(2).

16 COUNT FIVE

17 Case No. 13-O-17115  
18 Business and Professions Code, section 6106  
19 [Moral Turpitude - Misrepresentation]

20 6. On or about January 10, 2014, respondent stated in writing to a State Bar investigator  
21 that he had communicated with the appellate attorney for Robert Carroll-Jafari when respondent  
22 knew or was grossly negligent in not knowing the statement was false, and thereby committed an  
23 act involving moral turpitude, dishonesty or corruption in willful violation of Business and  
24 Professions Code, section 6106.

25 COUNT SIX

26 Case No. 13-O-17297  
27 Rules of Professional Conduct, rule 3-310(F)  
28 [Accepting Fees From a Non-Client]

7. On or about September 18, 2013, respondent accepted \$5,000 from Brenda Usher as

1 compensation for representing a client, Genaro Patterson in *People v. Patterson*, Sacramento  
2 County Superior Court case no. 12F07845, without obtaining his client's informed written  
3 consent to receive such compensation, in willful violation of the Rules of Professional Conduct,  
4 rule 3-310(F).

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6 COUNT SEVEN

7 Case No. 13-O-17297  
8 Rules of Professional Conduct, rule 3-700(D)(2)  
9 [Failure to Refund Unearned Fees]

10 8. On or about September 18, 2013, respondent received \$5,000 in advanced fees from  
11 Brenda Usher to assume the representation of Genaro Patterson in *People v. Patterson*. As the  
12 court would not permit respondent to substitute into *People v. Patterson*, on or about September  
13 30, 2013, Usher requested that respondent refund the unearned advanced fees paid. Respondent  
14 failed to refund promptly, upon respondent's termination of employment on or about September  
15 30, 2013, any part of the \$5,000 fee, in willful violation of Rules of Professional Conduct, rule  
16 3-700(D)(2).

17 COUNT EIGHT

18 Case No. 14-O-04354  
19 Rules of Professional Conduct, rule 3-310(F)  
20 [Accepting Fees From a Non-Client]

21 9. Between in or about November 2013, and on or about March 4, 2014, respondent  
22 accepted a total of \$14,400 from Natalie Aragon as compensation for representing a client, Chase  
23 Alan Doulphus in *People v. Chase Alan Doulphus*, Tehama County Superior Court case no.  
24 NCR88403, without obtaining his client's informed written consent to receive such  
25 compensation, in willful violation of the Rules of Professional Conduct, rule 3-310(F).

26 NOTICE - INACTIVE ENROLLMENT!

27 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**  
28 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**  
**SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**

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**THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT.**

**NOTICE - COST ASSESSMENT!**

**IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.**

Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: December 15, 2014

By: *Sherrie B. McLetchie*  
Sherrie B. McLetchie  
Senior Trial Counsel

DECLARATION OF SERVICE

by
U.S. CERTIFIED MAIL and U.S. FIRST-CLASS MAIL

CASE NUMBER(s): 13-O-17115 [13-O-17297; 14-O-04354]

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

- By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at San Francisco, addressed to: (see below)

(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 7196 9008 9111 2393 2423 at San Francisco, addressed to: (see below)

(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS, Tracking No.: addressed to: (see below)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, Courtesy Copy to:
Charles Jeffrey Fletcher, Respondent; Charles Jeffrey Fletcher, Law Office of Jeffrey Fletcher, 980 Ninth St 16FL, Sacramento, CA 95814; Electronic Address

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

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, and overnight delivery by the United Parcel Service (UPS). 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, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the 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.

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: December 15, 2014

SIGNED: [Signature]
Meagan McGowan
Declarant