

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
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FILED

OCT 02 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. 14-C-4569
CONVICTION OF:)
) Amended Transmittal of Records of Conviction of Attorney (Bus. &
DELBERT JOE MODLIN,) Prof. 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 the 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: Delbert Joe Modlin
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

Crime(s) of which convicted and classification(s): Corporation Code section 25401(Securities Fraud), one count, a felony that involves moral turpitude, see *People v. Baumgart* (1990) 218 Cal.App. 3d 1207.

[X] 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

On September 28, 2015, the Review Department ordered the State Bar to file an amended transmittal in this matter because the case number on the original transmittal was incorrect. This is the State Bar's amended transmittal with the correct case number. Although the State Bar is attaching to this Amended Transmittal copies of the documents it previously transmitted, the originals of those documents are with the September 3, 2015 transmittal that was mistakenly filed under Case No. 13-C-12885. The State Bar requests that this Court take judicial notice of that mistaken transmittal and/or transfer the original documents to Case No. 14-C-4569.

DOCUMENTS TRANSMITTED:

Copy of September 3, 2015 Transmittal, mistakenly filed under 13-C-12885, including
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 THE CHIEF TRIAL COUNSEL

DATED: October 2, 2015

BY: 
Allen Blumenthal
Senior Trial Counsel

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

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

DECLARATION OF SERVICE BY CERTIFIED MAIL

CASE NUMBER: 14-C-4569

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

AMENDED TRANSMITTAL OF RECORDS OF CONVICTION OF ATTORNEY

Copy of September 3, 2015 Transmittal, mistakenly filed under 13-C-12885, including

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

in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 9414 7266 9904 2011 9765 22, 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: October 2, 2015

Signed: _____

**Ina M. Strehle
Declarant**