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OCT 19 2018

**STATE BAR COURT
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STATE BAR COURT OF CALIFORNIA

REVIEW DEPARTMENT

IN BANK

In the Matter of)	Case No. 15-C-11251
)	
KEVIN LEE THOMASON,)	ORDER
)	
A Member of the State Bar, No. 190377.)	
_____)	

On September 17, 2018, the Office of Chief Trial Counsel of the State Bar (OCTC) submitted a transmittal indicating that respondent Kevin Lee Thomason, State Bar Number 190377, has been convicted of violating Penal Code¹ section 451, subdivision (d) (arson of property of another), a felony that involves moral turpitude; section 69 (resisting executive officer), a felony that involves moral turpitude; section 71 (threatening a public officer), a felony which may or may not involve moral turpitude; section 422 (criminal threats), a felony that involves moral turpitude²; section 594, subdivision (a) (vandalism over \$400 damage), a felony which may or may not involve moral turpitude; section 29815 (unlawful firearm activity), a felony which may or may not involve moral turpitude⁴; section 30305, subdivision (a)(1)

¹ Unless otherwise stated, all further statutory references are to the Penal Code.

² OCTC states in its transmittal that sections 69 and 422 involve moral turpitude. Most recently, we have classified these felonies as ones that may or may not involve moral turpitude, and we take judicial notice of our non-published order filed on May 28, 2013, *In the Matter of Anatoly Smolkin* (State Bar Case No. 13-C-11780) (*Smolkin*). (Rules Proc. of State Bar, rules 5.156(B); Evid. Code, § 452, subd. (d).)

⁴ OCTC mistakenly refers to the crime as section 28915.



(possession of ammunition by prohibited person), a felony which may or may not involve moral turpitude; section 417, subdivision (a) (drawing or exhibiting a firearm), a misdemeanor which may or may not involve moral turpitude; and section 594, subdivision (a) (vandalism under \$400 damage), a misdemeanor which may or may not involve moral turpitude; and that the convictions were final.

The transmittal also indicates that OCTC is requesting summary disbarment. However, no request for summary disbarment was concurrently filed with the transmittal.

It is ordered pursuant to Business and Professions Code section 6102 that respondent be suspended from the practice of law effective November 13, 2018, pending final disposition of this proceeding. (Cal. Rules of Court, rule 9.10(a).) It is also ordered that respondent comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this suspension.

We reserve on the classification of section 451, subdivision (d), and section 29851, which we have not classified before. Within 10 days of the date of this order, OCTC is ordered to provide analysis and legal support regarding its contention that section 451, subdivision (d) is a crime that involves moral turpitude as a matter of law, and that section 29815 is a crime that may or may not involve moral turpitude. Further, the court will accept briefing on OCTC's request that we classify respondent's convictions of sections 69 and 422 as ones that involve moral turpitude, in light of our previous classifications that they are crimes that may or may not involve moral turpitude. Respondent will have 10 days from the service of OCTC's filing to respond.

PURCELL

Presiding Judge

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Court Specialist 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 October 19, 2018, I deposited a true copy of the following document(s):

ORDER FILED OCTOBER 19, 2018

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:

KEVIN L. THOMASON
OCRA, INC.
2443 FILLMORE ST STE 380
SAN FRANCISCO, CA 94115

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

Manuel Jimenez, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 19, 2018.



Julieta Gonzales
Court Specialist
State Bar Court