

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: October 5, 2015

Convicting court: Sacramento County Superior Court

Case number(s): 15F03348

Crime(s) of which convicted and classification(s):

Penal Code section 314(1) (Indecent Exposure), one count, a felony that may or may not involve moral turpitude. However, see *People v. Ballard* (1993) 13 Cal.App.4th 687, 696 [“Under California law, the offense of felony indecent exposure, a crime of moral turpitude, was properly used to impeach appellant’s testimony.”] As applied to the licensing of attorneys, an act of moral turpitude is one which bears a direct relationship to the individual’s fitness to practice law. It must reflect on the individual’s honesty and veracity or demonstrate that the individual is unfit for the proper discharge of the individual’s duties as an attorney. (*In re Johnson* (1992) 1 Cal.4th 689, 698.) Thus, “criminal conduct not committed in the practice of law or against a client reveals moral turpitude if it shows a deficiency in any character trait necessary for the practice of law (such as trustworthiness, honesty, fairness, candor, and fidelity to fiduciary duties) or if it involves such a serious breach of a duty owed to another or to society, or such a flagrant disrespect for the law or for societal norms, that knowledge of the attorney’s conduct would be likely to undermine public confidence in and respect for the legal profession.” (*In re Lesansky* (2001) 25 Cal.4th 11, 16.)

Penal Code section 290.018(a) (Violation of Sex Offender Registration Requirement), one count, a misdemeanor that may or may not involve moral turpitude. The State Bar is aware of no cases on point. A violation of this section requires actual knowledge of the duty to register, but forgetfulness is generally not a defense unless because of an involuntary condition—temporary or permanent, physical or mental—the defendant lacked actual knowledge of his duty to register. (*People v. Sorden* (2005) 36 Cal.4th 65. Moral turpitude can be based on at least recklessness or gross negligence, but not negligence. (See *In the Matter of Yee* (Review Dept. 2014) 5 Cal. State Bar Ct. Rptr. 330, 334 [misrepresentation of compliance with MCLE requirements based on gross negligence because of attorney’s duty to accurately report MCLE compliance]. Moreover, a violation of the sex offender requirement would appear to be akin to concealment of a material fact a person is required to disclose. (See *In the Matter of Chesnut* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 166, 174 [concealment of a material fact misleads just as effectively as a false statement].) However, recklessness would appear to require a review of the facts surrounding the conviction and, thus, not involve moral turpitude per se.

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

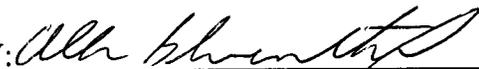
DOCUMENTS TRANSMITTED:

Certified copy of court file and docket, including:

12/03/15 Minute Order
11/13/15 Minute Order
10/05/15 Minute Order
10/05/15 Minute Order - Plea
Felony Complaint
11/19/19 Jail Commitment

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL

DATED: July 26, 2016

BY: 
Allen Blumenthal
Senior Trial Counsel

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

William Leo Smith
8412 Kroeger Ct
Fair Oaks, CA 95628

DECLARATION OF SERVICE BY CERTIFIED MAIL

CASE NUMBER: 15-C-13442

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

Certified copy of court file and docket, including:

- 12/03/15 Minute Order**
- 11/13/15 Minute Order**
- 10/05/15 Minute Order**
- 10/05/15 Minute Order - Plea**
- Felony Complaint**
- 11/19/19 Jail Commitment**

in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 9414 7266 9904 2042 4857 34, at San Francisco, on the date shown below, addressed to:

**William Leo Smith
8412 Kroeger Ct
Fair Oaks, CA 95628**

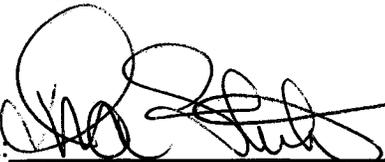
in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

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: July 27, 2016

Signed: _____



**Ina M. Strehle
Declarant**