

**FILED****MAR 15 2018****STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES****STATE BAR COURT OF CALIFORNIA****REVIEW DEPARTMENT****IN BANK**

In the Matter of)	Case No. 16-C-11128
)	
PETER D. KING,)	RECOMMENDATION OF SUMMARY
)	DISBARMENT
A Member of the State Bar, No. 282249.)	
_____)	

On January 30, 2018, the State Bar's Office of the Chief Trial Counsel (State Bar) filed a motion requesting that Peter D. King be summarily disbarred based on his conviction. The State Bar asserts that King's felony offense involved moral turpitude per se and concurrently filed evidence that the conviction is final. King did not file a response. We grant the motion and recommend that King be summarily disbarred.

I. PROCEDURAL HISTORY

On February 28, 2017, King pled nolo contendere to violating Penal Code section 459 (second degree burglary). Effective December 26, 2017, we ordered that King be placed on interim suspension as a result of his conviction, and he has remained suspended and not entitled to practice law in California since that time. On January 30, 2018, the State Bar transmitted evidence that King's conviction had become final and requested King's summary disbarment.

After the judgment of conviction becomes final, "the Supreme Court shall summarily disbar the attorney if the offense is a felony . . . and an element of the offense is the specific intent to deceive, defraud, steal, or make or suborn a false statement, or involved moral

turpitude.” (Bus. & Prof. Code, § 6102, subd. (c).) The record of conviction in this case establishes both criteria for summary disbarment.

A. King Suffered a Felony Conviction

King’s conviction is a felony. The record of conviction shows that King pled to a felony and was convicted of a felony violation of Penal Code section 459 (second degree burglary). Additionally, under the Penal Code, second degree burglary is classified as a felony. (See Pen. Code, § 461, subd. (b) [second degree burglary punishable in county jail not exceeding one year or imprisonment pursuant to Pen. Code, § 1170, subd. (h)]; Pen. Code, § 17, subd. (a) [crime punishable by imprisonment in state prison or imprisonment in county jail under the provisions of Pen. Code, § 1170, subd. (h) is a felony].)

B. King’s Conviction Involved Per Se Moral Turpitude

A criminal offense necessarily involves moral turpitude if the conviction would evidence bad moral character in every case. (*In re Lesansky* (2001) 25 Cal.4th 11, 16.) Burglary inherently involves moral turpitude. Burglary is committed by every person who enters a house or other listed structure or vehicle with the intent to commit grand or petit larceny or any felony. (Pen. Code, § 459.) “[W]hether or not the target felony itself evidences a moral defect, burglary remains in all cases the fundamentally deceitful act of entering a house or other listed structure with the secret intent to steal or commit another serious crime inside. A felony conviction of such an act demonstrates a ‘readiness to do evil’ and hence necessarily involves moral turpitude. [Citations.]” (*People v. Collins* (1986) 42 Cal.3d 378, 395, footnotes omitted [discussing classification of burglary for impeachment purposes].) Thus, the commission of acts in the nature of burglary “constitutes moral turpitude and dishonesty and that the protection of the courts and the integrity of the legal profession require that [King] be disbarred.” (*In re Hurwitz* (1976) 17 Cal.3d 562, 567–568.)

II. RECOMMENDATION

When an attorney's conviction meets the requirements of Business and Professions Code section 6102, subdivision (c), "the attorney is not entitled to a State Bar Court hearing to determine whether lesser discipline is called for." (*In re Paguirigan* (2001) 25 Cal.4th 1, 7.) Disbarment is mandatory. (*Id.* at p. 9.)

We therefore recommend that Peter D. King, State Bar number 282249 be disbarred from the practice of law in this state. We also recommend that he be ordered to comply with California Rules of Court, rule 9.20 and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court's order. Finally, we recommend that costs be awarded to the State Bar in accordance with section 6086.10 of the Business and Professions Code and that such costs be enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

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 March 15, 2018, I deposited a true copy of the following document(s):

RECOMMENDATION OF SUMMARY DISBARMENT FILED MARCH 15, 2018

in a sealed envelope for collection and mailing on that date as follows:

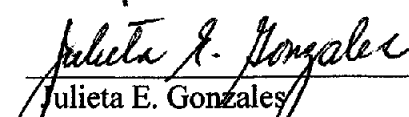
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

PETER D. KING
KING LAW
1565 PINE ST
LIVERMORE, CA 94551

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

Kevin B. Taylor, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 15, 2018.



Julieta E. Gonzales
Court Specialist
State Bar Court