

FILED

MAR 19 2015

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

1 ARCHER B. HUDSON, JR.
2 BAR # 92402
3 12813 7th street spc 43
4 Yucaipa, CA 92399
5 Telephone: (909) 795-3745

THE STATE BAR COURT
OF THE STATE BAR OF CALIFORNIA
HEARING DEPARTMENT - SAN FRANCISCO

12 In the Matter of) Case Nos. 94-C-13696-LMA;
13 ARCHER BRYANT HUDSON, JR.) 95-N-15993-LMA (Cons.)
14 A Member of the State Bar) RESPONSE TO NOTICE OF DISCIPLINARY CHARGES
15 -----) and NOTICE OF HEARING ON CONVICTION

17 Respondent. Archer Bryant Hudson, Jr., responds to the notice of disciplinary charges and notice of
18 hearing on conviction filed herein as follows:

20 1. The address to which all further notices to respondent relation to these proceedings
21 may be sent is as follows:

23 12813 7th street spc 43, Yucaipa, California, 92399

25 2. Respondent specifically denies each of the allegations and charges contained in the



1 notice of disciplinary charges and notice of hearing on conviction concerning 955 and
2 California penal code sections 288 a and 288 c and California business and professions code sections
3 6101 and 6102 mentioned in notices.

4
5 3. Matter and transactions complained of which are the subject of this proceeding
6 may be fully and accurately explain as concerning the abstract of judgment on case
7 number FVI01707 filed on December 13, 2002.

8
9 First affirmative defense

10
11 Respondent did not willfully failed to file 955 compliance declaration and response to notice of disciplinary
12 charges and response to the notice of hearing on conviction.

13
14 On March 9, 2015 the state bar at respondent's request mailed respondent copies of the notice of
15 disciplinary charges and notice of hearing on conviction.

16
17 Respondent reviewed the proof of services.

18
19 The notice of hearing on conviction was mailed to respondent by certified mail to California state prison at
20 Corcoran California on November 18, 2002.

21
22 On November 22, 2002 respondent appeared as documented by the abstract of judgment in a Victorville
23 California courtroom to be resentenced to a reduced period of time.

24
25 Respondent had been transported from corcoran and state prison to Chino State prison. Respondent
26 spent approximately 2 weeks at Chino State prison and was transferred to W. Valley Detention Ctr. in San
27 Bernardino County in custody of a Sheriff and spent approximately 2 weeks and was Valley and then

1 approximately 2 weeks again at Chino State prison and then returned to Corcoran State prison.

2
3 Respondent spent eight years seven months and three days behind bars (made 24th 1994 to December
4 25, 2002). At least seven years of that in what is commonly called solitary confinement. The California
5 Department of Corrections and County Sheriff's will tell you that inmates receive their mail. During that
6 period of time that respondent was behind bars it was well documented that inmates were housed in
7 facilities that were built for far fewer inmates and that inmates were not receiving proper medical care.
8 This is circumstantial evidence that other systems have also broken down. I declare that it was common
9 at that time that inmates did not properly receive their mail and inmates were not given proper use of the
10 law libraries.

11
12 Respondent never received the notice of hearing on conviction mailed November 18, 2002.

13
14 The notice of disciplinary charges was sent to respondent by certified mail to respondent's home address
15 on October 5, 1995. And regular first-class mail to respondent at W. Valley Detention Ctr. in Rancho
16 Cucamonga California. Respondent was indeed at W. Valley Detention Ctr. in Rancho Cucamonga
17 California on October 5, 1995 respondent was being given "special treatment" and had nothing coming.
18 Respondent never received a notice of disciplinary charges mailed October 5, 1995.

19
20 Shortly after respondent's arrest in May 24, 1994 respondents attorney discussed the compliance with
21 respondent and that compliance requirements were taken care of and that respondent's compliance was
22 discussed with the State Bar and respondent believed that compliance was properly taken care of at that
23 time.

24
25 For all other reasons asserted above respondent did not willfully failed to file a rule 955 declaration and
26 did not willfully respond to the notice of disciplinary charges and did not willfully respond to the notice of
27 hearing on convictions.

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second affirmative defense

Respondent asserts that the crimes were not crimes of moral turpitude at the time respondent allegedly committed the crimes.

third affirmative defense

Respondent asserts that a correct abstract of judgment will show different crimes than the ones listed in the State Bar pleadings.

Dates and code sections were material issues at respondents trial and retrial. The date errors in the abstract of judgment affected code sections.

Examples: Count 2 in the abstract of judgment listed as 288 A and year crime committed as 93 and count 9 in the abstract of judgment listed as 288 a and year crime committed 92. Count 2 and count 9 in the jury verdict sheets stated the crimes occurred during the same two week period and listed a year that was different then 93 and 92. Count eight in the abstract of judgment listed as 288 C and year crime committed as 93. Count 8 in the jury verdict sheets stated that crime occurred in 1994. Count 2 and 9 where the issue of double jeopardy on direct appeal as count 2 conviction was at trial and count 9 conviction was at retrial. Also the dates affected the age of the alleged victims and the age of the alleged victims affected code sections.

In any event respondent is entitled to a correct abstract of judgment as the abstract of judgment code sections are listed in the State Bar pleadings.

1
2 fourth affirmative defense
3

4 Respondent needs to continue his abatement to appeal to the Federal Ninth Circuit Court of Appeals to
5 order the District Court to grant respondent evidentiary hearings on the issues raised based upon the
6 errors in the abstract of judgment.
7

8 EXTENUATING AND MITIGATING CIRCUMSTANCES
9

10 In the event respondent is found culpable of unprofessional conduct as charged in the
11 notices, submits the following facts in mitigation without admitting that such
12 charges are true or that the facts alleged therein constitute professional misconduct:
13

14 1. Respondent has practiced law in the state of California for 13 years prior to his
15 arrest without any prior charges of misconduct or prior disciplinary record.

16 Throughout his professional career, respondent has successfully endeavored to
17 maintain a high level of respect and an excellent reputation among his fellow
18 attorneys and the courts for honesty, integrity, and professional competence and diligently and vigorously
19 representing his clients. And serving San Bernardino County and others as an arbitrator and serving as a
20 judge pro tem over a six-year period.
21

22 2. To respondent's knowledge he was the only attorney in the 1980s that took pro bono civil
23 rights cases against the San Bernardino County Sheriff's Department and pro bono
24 cases against San Bernardino County.
25
26
27
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1 3. An example of a large pro bono case against San Bernardino County was the establishment of a Wolf
2 mountain sanctuary on behalf of an Apache Native American. For some unknown reason the county was
3 greatly opposed to the sanctuary. Respondent at the time received a full two-page writeup in the Los
4 Angeles Times.

5
6 4. During the period in which the charge acts of misconduct allegedly occurred and between 1980 and
7 1994, respondent was experiencing serious harassment and serious threats to his life and a prior
8 attempted frame up by deputies.

9 As a consequence thereof, the incident complained of alleged occurred.

10
11 5. For six years during the 1980s commuted 120 miles one way from Lucerne Valley, San Bernardino
12 County to a second office in a part of South Central Los Angeles called Huntington Park for three days a
13 week in an area that was not getting attorney representation to handle worker comp cases in the area
14 sweatshops as half of my clients were undocumented. Shortly after I open my office near the corner of
15 Florence and Pacific the last attorney in the office building was leaving. He stated he was tired of coming
16 to work with an uzzi riding in an armored car. Respondent finally had to close his office because of
17 paralegals opening offices practicing law without a license fronting for attorneys who had offices out of the
18 area in safe areas.

19
20 WHEREFORE, respondent prays that the hearing panel find that respondent did not commit professional
21 misconduct and or grant respondent an abatement to pursue the issues of
22 the errors in the abstract of judgment and get a final correct abstract of judgment.

23
24 Dated: 3-17-15

Respectfully submitted,

Archer B Hudson Jr

Archer Bryant Hudson Jr.

respondent

ABSTRACT OF JUDGMENT - PRISON COMMITMENT

FORM DSL 290

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Bernardino
 COURT I.D. _____ BRANCH Victorville

FILED Victorville
 San Bernardino County
 Superior Court

DEC 13 2002

By Marcia S. Loring
Deputy

PEOPLE OF THE STATE OF CALIFORNIA versus _____
 DEFENDANT: _____
 AKA: Archer Hudson
 COMMITMENT TO STATE PRISON AMENDED
 ABSTRACT 12/11/02

CASE NUMBER(S)
FV101707 - A
 _____ - B
 _____ - C
 _____ - D
 _____ - E

DATE OF HEARING (MO) (DAY) (YR) 11/11/02 DEPT. NO V7 JUDGE Margaret A. Dowers CLERK Mary Conrad
 PORTER UKP Patrick COUNSEL FOR PEOPLE F. Beahat COUNSEL FOR DEFENDANT PRO PER PROBATION NO. OR PROBATION OFFICER _____

DEFENDANT WAS CONVICTED OF THE COMMISSION OF THE FOLLOWING FELONIES (OR ALTERNATE FELONY / MISDEMEANORS):

ADDITIONAL COUNTS ARE LISTED ON ATTACHMENT _____ (NUMBER OF PAGES)

CNT	CODE	SECTION NUMBER	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION			CONVICTED BY			TERM (L, M, U)	CONCURRENT	CONSECUTIVE 1/3 VIOLENT	CONSECUTIVE 1/3 NON-VIOLENT	CONSECUTIVE FULL TERM	INCOMPLETE SENTENCES (CS-REFER #)	654 STAY	PRINCIPAL OR CONSECUTIVE TIME IMPOSED	
					MO	DAY	YEAR	JURY TRIAL	COURT TRIAL	PLEA								YEARS	MONTHS
pc	633(U)		solicitation of murder	92	11	18	92				U	Principal						0	0
pc	268(A)		lewd act upon a child	93	11	18	99	X			M	X						2	0
pc	268(C)		lewd act upon a child	93	04	17	95	X			M	X						2	0
pc	268(A)		lewd act upon a child	92	04	17	95	X			M	X						2	0

ENHANCEMENTS charged and found true TIED TO SPECIFIC COUNTS (mainly in the § 12022-series) including WEAPONS, INJURY, LARGE AMOUNTS OF CONTROLLED SUBSTANCES, BAIL STATUS, ETC.:
 For each count list enhancements horizontally. Enter time imposed for each or 'S' for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385.
 Add up time for enhancements on each line and enter line total in right-hand column.

Count	Enhancement	Yrs or 'S'	Total								

Sentence nunc pro tunc to 09/05/00.

ENHANCEMENTS charged and found true FOR PRIOR CONVICTION OR PRIOR PRISON TERMS (mainly § 667-series) and OTHER.
 List all enhancements based on prior convictions or prior prison terms charged and found true. If 2 or more under the same section, repeat it for each enhancement (e.g., If 2 non-violent prior prison terms under § 667.5(b) list § 667.5(b) 2 times). Enter time imposed for each or 'S' for stayed or stricken. DO NOT LIST enhancements charged but not found true or stricken under § 1385. Add time to these enhancements and enter total in right-hand column. Also enter here any other enhancement not provided for in space 2.

Enhancement	Yrs or 'S'	Total								

restitution fine of \$ 3,000
 pursuant to PC 1202.4 to be
 collected by Department of
 Corrections.
 restitution fine of \$ 3,000
 pursuant to PC 1202.45 stayed
 pending successful completion
 of parole.

INCOMPLETE SENTENCE(S) CONSECUTIVE:

COUNTY	CASE NUMBER	CREDIT FOR TIME SERVED

5. OTHER ORDERS

TOTAL TIME IMPOSED ON ALL ATTACHMENT PAGES (FORM DSL 290-A): _____
 TIME STAYED TO COMPLY WITH 5-YEAR OR 10-YEAR LIMIT ON SUBORDINATE TERMS, DOUBLE-BASED-TERM-LIMIT, ETC. (Do not include § 654 stays or discretionary stays of term for enhancements.) _____
 TOTAL TERM IMPOSED: _____

EXECUTION OF SENTENCE IMPOSED:

A. AT INITIAL SENTENCING HEARING
 B. AT RESENTENCING PURSUANT TO DECISION ON APPEAL
 C. AFTER REVOCATION OF PROBATION
 D. AT RESENTENCING PURSUANT TO RECALL OF COMMITMENT (PC § 1170(D))
 E. OTHER

DATE OF SENTENCE PRONOUNCED (DAY) (YR) 11/29/01 CREDIT FOR TIME SPENT IN CUSTODY 3447 INCLUDING: _____ ACTUAL LOCAL TIME 2299 LOCAL CONDUCT CREDITS 1148 STATE INSTITUTIONS DMH CDC

DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF, TO BE DELIVERED:



THE DOCUMENT TO WHICH THIS CERTIFICATION IS ATTACHED IS A FULL, TRUE AND CORRECT COPY OF THE ORIGINAL CONTRACT AND OF RECORD IN MY OFFICE.

NOV 13 2006

WITNESSETH
I, _____
County Clerk of the Superior Court of the State of California, in and for the County of San Bernardino.

By V. [Signature] Deputy

COPY

PROOF OF SERVICE BY MAIL

[REDACTED]
[REDACTED]

I, MICHAEL H KENNEDY, declare:

I am over 18 years of age and a party to this action. I am a resident of CITY OF
SAN BERNARDINO Prison,

in the county of SAN BERNARDINO

State of California. My ~~address~~ address is: 3845 MOUNTAIN AVE
SAN BERNARDINO, CA 92404

On 3-18-15
(DATE)

I served the attached: RULE 955 COMPLIANCE DECLARATION'S
RESPONDENTS DECLARATION'S DISCIPLINARY CHARGES AND
RESPONSE TO NOTICE OF
NOTICE OF HEARING ON
CONVICTION
(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope,
with postage thereon fully paid, in the United States Mail [REDACTED]

[REDACTED] The envelope was
addressed as follows: MAZIE YIP AGUSTIN HERNANDEZ
CASE ADMINISTRATOR STATE BAR OF CA
STATE BAR COURT OFFICE CHIEF TRIAL COUNSEL
180 HOWARD ST 845 S. FIGUEROA ST 5TH FL
6TH FL LOS ANGELES CA
SAN FRANCISCO, CA 90017-3515
94105

I declare under penalty of perjury under the laws of the United States of America that the
forgoing is true and correct.

Executed on 3-18-15
(DATE)

Michael H. Kennedy
(DECLARANT'S SIGNATURE)