

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

FILED

SID J. WHITE

APR 2 1985

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

62657

THE FLORIDA BAR,
Complainant,

CONFIDENTIAL

vs.

Case Number: 18A82C04

WALLACE F. STALNAKER, JR.
Respondent.

PETITION FOR REVIEW OF THE REPORT OF THE REFEREE

COMES NOW, Wallace F. Stalnaker, Jr., Respondent, by his undersigned attorney, pursuant to Florida Bar Integration Rule, Article XI, rule 11.09(3)(a), and files this Petition for Review of the Report of the Referee, and shows unto the Court that:

1. The Referee's Report for which review is sought is dated January 14, 1985.

2. In his Report, the Referee recommended that the Respondent be found guilty of violating:

- a) Florida Bar Disciplinary Rule of the Code of Professional Responsibility 1-102(A)(4) for engaging in conduct involving dishonesty, fraud, deceit or misrepresentation.
- b) Florida Bar Disciplinary Rule of the Code of Professional Responsibility 1-102(A)(6) for misconduct reflecting on his fitness to practice law.
- c) Article XI, Rule 11.02(3)(a) of the Integration Rule for engaging in dishonest conduct.

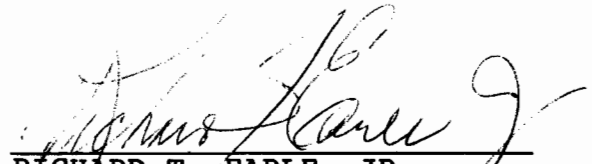
3) Review of the foregoing recommendations are sought for the reason that the findings of fact upon which they are based are not supported by clear and convincing evidence.

4) In his Report, the Referee recommended that Respondent be suspended for a fixed period of twelve (12) months,

thereafter until he shall prove his rehabilitation and for an indefinite period until he shall pay the cost of this proceeding.


5. Review is sought of the foregoing recommendations in the Referee's Report for the reason that said recommended discipline is unduly harsh in the light of all the facts of this case.

WHEREFORE, Respondent prays that this Court review the Referee's Report and the record in this matter as above specified, and find the Respondent not guilty of said alleged acts of misconduct or if the Court fails to make said finding of not guilty, the Court reduce the discipline so that it will not be punitive in nature but will effectuate the purposes of discipline as set out in the Integration Rule of The Florida Bar and the case law.


RICHARD T. EARLE, JR.
Attorney for Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Petition for Review of the Report of the Referee has been furnished by U.S. Mail to John F. Harkness, Jr., Executive Director, The Florida Bar, Tallahassee, Florida 32301, John T. Berry, Staff Counsel, The Florida Bar, Tallahassee, Florida 32301 and David G. McGunegle, Bar Counsel, The Florida Bar, 605 East Robinson Street, Suite 610, Orlando, Florida 32801, this 29th day of March, 1985.


RICHARD T. EARLE, JR.
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