

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

vs

WILLIAM HUGH PRICE,
Respondent.

CONFIDENTIAL

CASE NO. 65,067

FILED

SID J. W.

FEB 18 1985

CLERK, SUPREME COURT

By: Chief Deputy Clerk

REPORT OF REFEREE

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Article XI of the Integration Rule of The Florida Bar, hearings were held on July 25, 1984 and December 4, 1984. The pleadings, notices, motions, order, transcripts and exhibits, all of which are forwarded to The Supreme Court of Florida with this report, constitute the record in this case.

The following attorneys appeared as counsel for the parties:

For The Florida Bar, David G. McGunegle, Esquire.

For the respondent, Jack T. Edmund, Esquire.

The respondent, William Hugh Price, was charged in the Tenth Judicial Circuit in and for Highlands County, Florida, with trafficking in cannabis in excess of one hundred pounds, a violation of Section 895.135(1)(a), Florida Statutes, a first degree felony. His first trial ended in a mistrial on February 17, 1981, when the jury was unable to reach a verdict, as did his second trial in June, 1981. Respondent was subsequently found not guilty by a jury on September 2, 1981. The Bar filed the instant complaint on July 25, 1984.

At the two hearings the only "live testimony" was that of the respondent, all other testimony, totaling 912 pages, consisted of the following:

A. FOR THE BAR

<u>Witness</u>	<u>EXHIBIT #</u>	<u>Proceeding</u>
Robert Grubbs	B-1	Feb. 1981 Trial
Ben Hayes	B-1	Feb. 1981 Trial
William Hugh Price	B-1	Feb. 1981 Trial

Joseph James Devlin	B-1	Feb. 1981 Trial
William Hugh Price	B-2	June 1981 Trial
Christine Cook Price	B-2	June 1981 Trial
William Hugh Price	B-3A	September 1981 Trial
Judith Miller	B-3B	September 1981 Trial
Christine Cook Price	B-3C	September 1981 Trial
Joseph James Devlin	B-3D	September 1981 Trial
Robert Grubbs	B-4	August 28, 1980 Deposition
Ben Hayes	B-5	August 28, 1980 Deposition
Ronald U. Wilkerson	B-6	October 16, 1980 Deposition
Jim Hanna	B-7A	October 29, 1980 Deposition
Fred Haiduk	B-7B	October 29, 1980 Deposition
Reiner Schmitt	B-8	January 14, 1981 Deposition

B. FOR THE RESPONDENT

Richard Squires	R-1	September 24, 1980 Deposition
John King	R-2	September 11, 1980 Deposition
Robert Duncan	R-3	September 11, 1980 Deposition
Alexander B. Murphy	R-4	October 16, 1980 Deposition
Doris DeRolf	R-5	September 24, 1980 Deposition
Richard A. Rhodes	R-6	October 16, 1980 Deposition
Andrew J. Gnoza	R-7	October 16, 1980 Deposition
James Hanna	R-8	February 1981 Trial
Paul Edward Thompson	R-9	May 1, 1981 Deposition
Argument	R-10	August 3, 1981 Hearing

FINDINGS OF FACT

Upon consideration of all of the above testimony, I find that:

1. Acting upon a series of anonymous tips which ultimately specifically identified respondent by name and description, including aircraft identification number and destination, U. S. Customs agents intercepted an aircraft piloted by respondent and loaded with approximately 571 pounds of marijuana. The interception took place at the Sebring Airport, the flight having originated in Jamaica.

2. At the Sebring Airport, Customs agents observed respondent's airplane land. It was approached by a white van driven by one James Devlin. The Customs agents observed Devlin get out of the van, go to the side of the airplane, open up a door and then come around to greet and shake hands with the respondent. Devlin then went to the back door of the white van. Shortly thereafter both respondent and Devlin were arrested. (B-1, pages 7, 19, 39, 40, 46, 50; B-4, pages 9, 13, 35; B-5, pages 12, 13 and 14). At each trial both respondent and James Devlin denied greeting one another or shaking hands. Each stated that they had never met one another prior to this encounter. Faced with this apparent conflict in testimony, I elect to believe the testimony of the Customs agents

and to reject the testimony of respondent and James Devlin.

3. Respondent's testimony at trial, and in this disciplinary proceeding, that he was himself a victim of some unknown "sinister force," and that he participated in the importation scheme only after being threatened with harm to himself and to his wife and children by three unknown Jamaicans, is unworthy of belief and is specifically rejected. Bar counsel suggests that respondent's "coercion" defense is also legally insufficient, however, I do not have to reach that issue because I simply do not believe the testimony of respondent (B-1; B-2; B-3A;) or James Devlin (B-1; B-3D), or Judith Miller (B-3B).

4. Thus, having rejected respondent's testimony, together with the testimony of James Devlin and Judith Miller, I find that William Hugh Price, Judith Miller (also a member of the Florida Bar), and James Devlin, were each actively engaged in and participated in, a conspiracy to import marijuana into the United States and to offload it at the Sebring Airport.

5. Having rejected respondent's testimony at trial and during this proceeding, I further find that respondent has committed the additional crime(s) of perjury, a factor to be considered in my recommendations.

RECOMMENDATIONS REGARDING GUILT

I recommend that the respondent be found guilty and specifically that he be found guilty of violating Article XI, Rule 11.02(3)(a), of The Florida Bar's Integration Rule for conduct contrary to honesty, justice and good morals. Further, that respondent be found guilty of violating the following Disciplinary Rules of The Florida Bar's Code of Professional Responsibility: 1-102(A)(3) for engaging in illegal conduct involving moral turpitude, 1-102(A)(4) for engaging in dishonest conduct, and 1-102(A)(6) for engaging in other misconduct that reflects adversely on his fitness to practice law.

RECOMMENDATIONS REGARDING PUNISHMENT

Apparently, due to the passage of time between the offense

and the institution of these proceedings (which I do not condone), and by virtue of the fact that respondent has not engaged in the practice of law since his arrest, Bar counsel recommended that respondent only be suspended, however, due to the extreme seriousness of the offense, and further, due to my finding that the respondent knowingly committed perjury, I recommend that the respondent be disbarred from the practice of law in Florida. The Florida Bar v. Stillman, 401 So.2d 1306 (Fla. 1981).

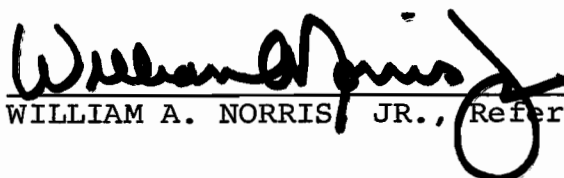
COSTS

I find the following costs were reasonably incurred by The Florida Bar:

A. Grievance Committee Level Costs	
1. Administrative Costs	\$150.00
B. Referee Level Costs	
1. Administrative Costs	150.00
2. Transcript of referee hearing held 7/25/84	213.10
3. Bar counsel's travel expenses, referee hearing held 7/25/84	107.18
4. Transcript of referee hearing held 12/4/84	180.50
5. Bar counsel's travel expenses, referee hearing held 12/4/84	43.68
C. Miscellaneous Costs	
1. Long distance telephone expenses	2.29
CURRENT TOTAL	\$846.75

It is apparent that other costs have or may be incurred. It is recommended that all such cost and expenses together with the foregoing itemized cost be charged to the respondent and that interest at statutory rate shall accrue and be payable beginning thirty (30) days after the judgment in this case becomes final, unless a waiver is granted by the Board of Governor's of The Florida Bar.

DATED this 15th day of February, 1985.


 WILLIAM A. NORRIS, JR., Referee

copies without exhibits to:

Bar counsel
 Counsel for respondent
 Staff counsel Tallahassee