

IN THE SUPREME COURT OF FLORIDA
BEFORE A REFEREE

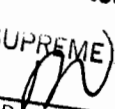
THE FLORIDA BAR,
Complainant,

v.

CLIFFORD B. WENTWORTH,
Respondent.

Supreme Court Case No.: 65,415

TFB Case No.: 17D82F74

FILED
SID J. WHITE
NOV 5 1984
CLERK, SUPREME COURT
By 
Chief Deputy Clerk

REFEREE'S REPORT

1. SUMMARY OF PROCEEDINGS:

Pursuant to the undersigned having been duly appointed as referee to conduct disciplinary proceedings herein according to The Florida Bar Integration Rule, article XI, a hearing was held on October 12, 1984 on complainant's application for judgment on the pleadings. I granted the complainant's application.

David M. Barnovitz appeared for the complainant. There was no appearance on behalf of the respondent.

2. SUFFICIENCY OF NOTICE AND PRE-REPORT PROCEEDINGS:

In compliance with The Florida Bar Integration Rule, article XI, Rule 11.02(2), The Florida Bar served the complaint and request for admissions upon respondent by certified mail addressed to respondent's last official mailing address which was the only address known to the Bar. Respondent defaulted in appearing and/or responding to the admissions requests. Despite such default the Bar employed one of its staff investigators to attempt to secure some means of contact with respondent. This resulted in the development of a post office address to which copies of the complaint, request for admissions and the undersigned's appointment were mailed.

This second good faith mailing by the Bar elicited a response from respondent including an application to maintain confidentiality which, though belated, was determined upon the merits and denied and an application for extension of time within which to address the admissions request, which was granted to the extent of a twenty (20) day extension.

Respondent informed the Bar that he was being represented by Gary Southworth, Esquire of Pensacola, Florida. A copy of my order granting the extension was mailed by the Bar to Attorney Southworth and to respondent the day I orally announced it (August 22, 1984) in order that respondent be afforded additional time within which to act. My signed order was mailed to respondent on August 23, 1984.

Complainant's application for judgment on the pleadings was also duly served upon both respondent and Attorney Southworth, the certificate of service being dated September 18, 1984 and the return date set for October 5, 1984. The day prior to the October 5, 1984 return date I received from respondent an application for continuance and an affidavit in opposition to complainant's motion for judgment on the pleadings. I granted a continuance for one week scheduling the return date for ~~September~~ ^{October} 12, 1984. Notification of this continuance was transmitted to Attorney Southworth's office by telephone on October 5, 1984 and by mailgram dispatched to respondent and Attorney Southworth the same date.

On October 10, 1984 I received a mailgram from Attorney Southworth informing me that he (Southworth) was not certain he could communicate with respondent prior to October 12, 1984. Neither respondent nor Mr. Southworth attended the October 12, 1984 hearing nor made any attempt to communicate with me.

In light of all of the foregoing and of the other matters set forth in this report the undersigned determined that respondent had adequate notice and adequate opportunity to present whatever evidence he deemed appropriate.

3. FINDINGS OF FACT AS TO EACH ITEM OF MISCONDUCT FOR WHICH RESPONDENT IS CHARGED:

After considering all of the pleadings and evidence before me I find:

A. Respondent, although suspended from the practice of law by virtue of The Florida Bar Integration Rule, article XI, Rule 11.07(2), is and at all times hereinafter mentioned was a member of The Florida Bar subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

B. On August 30, 1983, respondent entered a plea of guilty to "Count One" of a multi-count indictment in case no. PCR81-00440 in United States District Court for the Northern District of Florida such count alleging, inter alia, violations by respondent of Title 18 United States Code, Sections 1961, 1962 (d) and 1963.

C. A judgment of conviction was duly entered upon respondent's plea of guilty.

D. Each of the offenses to which respondent pleaded guilty and was thereupon convicted constituted a felony under the laws under which the United States District Court for the Northern District of Florida exercised its jurisdiction.

E. Among the overt acts alleged in the indictment hereinabove referred to as having been committed by the respondent, were the following:

i. On or about November 24, 1978, at Savannah, Georgia, respondent together with others, did import into the United States and possessed with intent to distribute approximately 40,000 pounds of marijuana aboard the fishing vessel Seastar.

ii. On or about December 14, 1978, respondent and others used Douglas D.C.-3C Aircraft N4996E to transport a multi-ton load of marijuana from Columbia, South America to Belle Glade, Florida, which aircraft crashed while landing and was subsequently seized by federal authorities.

iii. On or about January 14, 1979, respondent and others caused two persons to travel in foreign commerce from Fort Lauderdale, Florida to Columbia, South America on board Douglas D.C.-3 Aircraft N90830 to pick up and import into the United States a multi-ton quantity of marijuana.

iv. On or about January 20, 1979, in Miami, Florida, respondent had a telephone conversation with another individual concerning arrangements for importing a load of marijuana into the United States and several other matters impacting upon their marijuana smuggling business.

v. On or about February 2, 1979, in Golden Beach, Florida, respondent had a telephone conversation with another individual concerning a large sum of money in excess of one million dollars that one Patrick C. Waldrop had delivered as part payment on a portion of the incoming shipment of marijuana being imported by aircraft.

4. RECOMMENDATION AS TO WHETHER OR NOT RESPONDENT SHOULD BE FOUND GUILTY:

I recommend that the respondent, Clifford B. Wentworth, be found guilty of violating The Florida Bar Integration Rule, article XI, Rule 11.02(3) which proscribes commission by a lawyer of any act contrary to honesty, justice or good morals, whether the act is committed in the course of such lawyers relations as an attorney or otherwise.

5. RECOMMENDATIONS AS TO DISCIPLINARY MEASURES TO BE APPLIED:

I recommend as discipline in this matter that the respondent, Clifford

B. Wentworth, be disbarred.

6. PERSONAL HISTORY:

Respondent, Clifford B. Wentworth, was admitted to The Florida Bar in 1967 and is 41 years old. He has been under suspension from the practice of law pursuant to Rule 11.07(2) since October 26, 1983 and, in addition to such felony conviction suspension, was suspended as a result of a disciplinary proceeding as reported in item 7.

7. STATEMENT AS TO PAST DISCIPLINE:

On July 19, 1984, the Supreme Court of Florida directed that respondent be suspended from the practice of law for a period of two (2) years, effective immediately, in The Florida Bar v. Wentworth, Case Number 64,279, for violating Disciplinary Rule 6-101(A)(3) of the Code of Professional Responsibility.

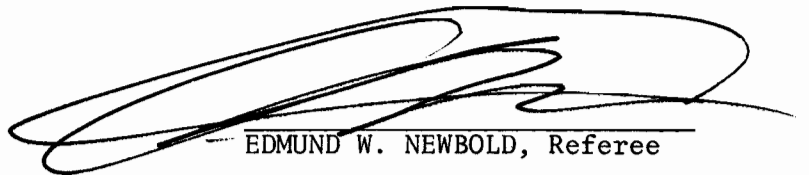
8. STATEMENT OF COSTS OF THE PROCEEDINGS AND RECOMMENDATIONS:

The costs of these proceedings were as follows:

Administrative Costs:		
Grievance Committee Level -----	\$	150.00
Referee -----		150.00
Court Reporter Costs:		
Grievance Committee Level -----		127.00
Referee Hearing (10-12-84) -----		73.50
Photocopies -----		186.00
Investigative Report -----		<u>42.00</u>
<u>TOTAL</u> -----	\$	728.50

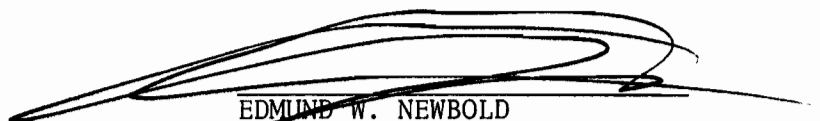
I recommend that such costs be taxed against the respondent.

RENDERED this 1st day of November, 1984, at Miami, Dade County, Florida.


EDMUND W. NEWBOLD, Referee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Referee's Report was mailed to David M. Barnovitz, Bar Counsel, The Florida Bar, 915 Middle River Drive, Suite 602, Fort Lauderdale, FL 33304, Gary E. Southworth, Attorney for Respondent, 801 North 12th Avenue, Pensacola, FL 32503, and Clifford B. Wentworth, Respondent, Post Office Box 3475, Norfolk, VA 23514, on this 1st day of November, 1984.


EDMUND W. NEWBOLD