

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,
v.
RICHARD LEON,
Respondent.

CONFIDENTIAL

Case No. 66,823
TFB #13B84H52

NOV 17 1986

CLERK, SUPREME COURT

REPORT OF REFEREE

I. Summary of Proceedings: Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to the Article XI of the Integration Rule of The Florida Bar, a final hearing was held on October 3, 1986. The enclosed pleadings, orders, transcripts and exhibits 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	Diane Victor Kuenzel
For The Respondent	B. Anderson Mitcham

II. Findings of Fact as to Each Item of Misconduct of Which the Respondent is Charged: After considering all the pleadings and evidence before me, pertinent portions of which are commented upon below, I find:

The Florida Bar and the Respondent, Richard E. Leon, appeared before the Referee pursuant to a Stipulation of Facts, which is attached hereto, and no evidence concerning the facts was offered before the Referee.

It stands admitted therefore that the Respondent was indicted on two counts of perjury, official misconduct in office, bribery and the receipt of unlawful compensation, and that the Respondent was on December 14, 1983, adjudicated guilty of two counts of perjury and one count of official misconduct.

The Respondent is presently on probation according to testimony received, and has at this time paid the court costs and performed the other conditions of probation, including one thousand hours of community service.

On July 3, 1985, the District Court of Appeals, Second District, affirmed the conviction and sentence with the exception of the provision for probation for misconduct was set aside.

It stands then that the Respondent by admission comes before this tribunal adjudicated guilty of two counts of perjury.

III. Recommendation as to Whether or Not the Respondent Should Be Found Guilty: I recommend that respondent be found guilty of the following violations of the Code of Professional Responsibility: Perjury.

IV. Recommendation as to Disciplinary Measures to be Applied: I recommend that the Respondent be suspended from the practice of law from the date of this hearing, which was October 3, 1986, for three (3) years, with automatic reinstatement at the end of the suspension as provided in Rule 11.10(4).

V. Personal History and Past Disciplinary Record: After finding of guilt and prior to recommending discipline to be recommended pursuant to Rule 11.06(9)(a)(4), I considered the following personal history and prior disciplinary record of the respondent to-wit:

Age: 52 years of age
Children: Has five (5) children
School: Went to Stetson and then graduated from Cumberland
Admitted to the Bar: 1966
County Judge for five (5) years and elevated to Circuit Judge
No evidence of prior disciplinary convictions and disciplinary measures imposed.

Richard Leon indicated that prior to sentencing by Judge Green that he passed a polygraph test which was suggested by Judge Green with questions posed by Judge Green.


V. Statement of Costs and Manner in Which Costs Should Be Taxed: I find the following costs were reasonably incurred by The Florida Bar:

Grievance Committee Level	
Administrative Costs	\$ 150.00
Court Reporter Costs (3/24/84)	25.00
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	\$ 175.00
Referee Level	
Administrative Costs	150.00
Court Reporter Costs (10/3/86)	()
Copy of Court of Appeal File	
#84-101	154.00
#83-8175C	115.00
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	\$ 419.00

TOTAL AMOUNT DUE TO DATE: \$ 594.00

It is apparent that other costs have or may be incurred. It is recommended that all such costs and expenses together with the foregoing itemized costs be charged to the Respondent and that interest at the statutory rate shall accrue and be payable beginning 30 days after the Judgment in this case becomes final unless a waiver is granted by The Board of Governors of The Florida Bar.

Dated this 6th day of Nov., 1986.



HONORABLE MARK R. MCGARRY, JR.
Referee

Copies furnished to:

B. Anderson Mitcham, Counsel for Respondent
Diane Victor Kuenzel, Bar Counsel

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STIPULATION TO FACTS AND RECOMMENDATION OF DISCIPLINE

The Florida Bar, complainant, and Richard E. Leon, respondent, by and through their undersigned attorneys, file this joint recommendation as to appropriate discipline and hereby stipulate that respondent admits to the following facts:

1. That respondent 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.
2. That during all times pertinent to the subject matter of The Bar's Complaint, Richard E. Leon, respondent, served as judge in the Criminal Justice Division of the Circuit Court of Hillsborough County.
3. That respondent was indicted on two counts of perjury, official misconduct in office, bribery and the receipt of unlawful compensation.
4. On December 14, 1983, respondent was adjudicated guilty in Hillsborough Circuit Court, Case Number 83-8175C of two counts of perjury and one count of official misconduct for his conduct in the allegations contained in The Bar's Complaint.
5. Respondent was placed on probation on a count for a five year concurrent term with the condition that he pay \$5,000.00 in court costs within one (1) year and that he perform

1,000 hours of community service with the Department of Health and Rehabilitation Service at the rate of not less than twenty-five (25) hours per week.

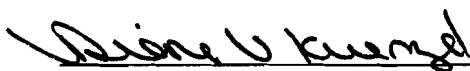
6. On July 3, 1985, the District Court of Appeal, Second District, affirmed the conviction and sentences of the trial court with the exception of the conviction for official misconduct which was set aside.

7. Respondent's Motion for Rehearing and Motion for Clarification was denied on August 30, 1985.

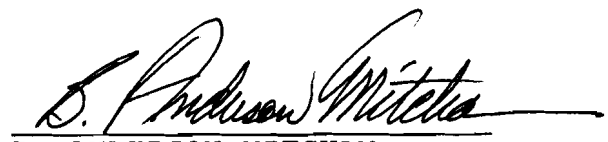
8. Respondent's Petition for Review, filed with the Supreme Court of Florida was denied on April 16, 1985, with an Order that no Motion for Rehearing would be entertained by the Court.

9. Following the Supreme Court's affirmance of the judgment and pursuant to Integration Rule 11.07(4), respondent's judgment is now deemed conclusively proved for purposes of disciplinary action.

10. The hearing on October 3, 1986 is scheduled for the sole purpose of presenting arguments on recommended discipline.


DIANE VICTOR KUENZEL
Bar Counsel
The Florida Bar
Tampa Airport Marriott Hotel
Suite C-49
Tampa, Florida 33607
(813) 875-9821

Date: Sept 15, 1986


B. ANDERSON MITCHAM
Counsel for Respondent
1509 East Eighth Avenue
Tampa, Florida 33605
(813) 248-3601

Date: September 12, 1986