

Supreme Court of Florida

No. 66,908

THE FLORIDA BAR, Complainant,

vs.

JOSEPH W. GROSS, Respondent.

[July 3, 1985]

PER CURIAM.

This matter is before the Court on respondent's Petition for Leave to Resign pending disciplinary proceedings, pursuant to article XI, Rule 11.08 of the Integration Rule of The Florida Bar.

The petition states as follows:

1. [Respondent's] disciplinary history is that he has no prior disciplinary history.
2. Pending disciplinary actions against [respondent] involve the following: On March 17, 1984, [respondent] was arrested for aggravated assault, battery, battery of a law enforcement officer and throwing a deadly missile at, within or into a building. Respondent entered pleas to each charge and on September 11, 1984, the Honorable Edward H. Bergstrom, Jr., Circuit Judge sentenced [respondent] to the following:
 - (a) A withholding of adjudication of guilt.
 - (b) Five years probation on each charge and each count thereof to run concurrently.
 - (c) A special condition of probation being that he continue to undergo the treatment of Dr. Masco or another suitable psychologist until his probation ends or until the Probation and Parole Department determines that continued consulting and treatment is no longer necessary.
 - (d) Fifty (50) hours worth of community service work.
 - (e) Twenty dollars (\$20) per month cost of supervision and twenty dollars (\$20) court costs on each case (a total of \$60) court costs.

[Respondent's] conduct in this matter was directly related to the psychological and emotional condition of [respondent], which is now being professionally treated. The Florida Bar, Case No. 06B84H49, which is presently before the Pasco County Grievance Committee, Sixth Judicial Circuit, "B", is based upon the conduct that was the subject of criminal charges.

3. The [respondent] hereby waives confidentiality of this proceeding and of all pending disciplinary matters, pursuant to Florida Bar Integration Rule, article XI, Rule 11.12(1) (a).

4. [Respondent] agrees to cooperate fully with investigations made in connection with the Client Security Fund of The Florida Bar.

5. [Respondent] will make all reasonable efforts to reimburse those who suffered monetary losses as a result of his failure to perform in his professional capacity or professional misconduct. [Respondent] will also make all reasonable efforts to reimburse the Client Security Fund of The Florida Bar for payments made by the Fund as a result of his conduct.

6. [Respondent] freely and voluntarily submits this Petition to Resign and further agrees that it is without leave to reapply for readmission for a period of three (3) years or until such time as [respondent] has completed his term of probation and both The Florida Bar and [respondent's] primary treating psychologist feel that [respondent] is emotionally capable of resuming the active practice of law.

The Florida Bar having stated that it does not oppose the Petition for Leave to Resign and the Court having reviewed the Petition and determined that the requirements of Rule 11.08(3) are fully satisfied, the Petition for Leave to Resign is hereby approved. This resignation shall be effective August 2, 1985, thereby giving respondent thirty (30) days to close out his practice and take the necessary steps to protect his clients and respondent shall not accept any new business.

It is so ordered.

ADKINS, Acting Chief Justice, OVERTON, ALDERMAN, McDONALD and EHRlich, JJ., Concur
NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED. THE FILING OF A MOTION FOR REHEARING SHALL NOT ALTER THE EFFECTIVE DATE OF THIS RESIGNATION.

Original Proceeding - The Florida Bar

Steve Rushing, Branch Staff Counsel, Tampa, Florida,
for Complainant

H. James Parker, Port Richey, Florida,
for Respondent