

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,

Complainant,

v.

HAROLD E. CASETY, JR.,

Respondent.

CONFIDENTIAL

Case No. 68,026

(TFB No. 02-86N43)

REPORT OF REFEREE

I. SUMMARY OF PROCEEDINGS

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to The Florida Bar Integration Rule, article XI, the following occurred:

On December 11, 1985, The Florida Bar filed its Complaint and Request for Admissions in these proceedings. As a result of Respondent's failure to answer the Bar's pleadings, The Florida Bar filed a Motion to Deem Matters Admitted and a Motion for Summary Judgment on May 20, 1986. The aforementioned pleadings, along with this report, constitute the record in this case and are forwarded to the Supreme Court of Florida.

II. FINDINGS OF FACT AS TO EACH ITEM OF MISCONDUCT OF WHICH RESPONDENT IS CHARGED

Respondent is, and at all times mentioned in The Florida Bar's Complaint was, a member of The Florida Bar, subject to the jurisdiction and Disciplinary Rules of the Supreme Court of Florida.

Respondent is also a member of the Bar of Pennsylvania.

On November 22, 1979, the Los Angeles Police arrested Respondent and charged him with the murder of Patricia Bovino.

The District Attorney of Los Angeles, California, accepted a guilty plea from Respondent on April 21, 1980. Respondent pled guilty to a violation of California Penal Code Section 192.1 (voluntary manslaughter) and of sections 12022.5 and 1203.06(9)(1) (personally using a firearm).

As a result of the plea, Respondent was sentenced to a six-year imprisonment term.

By reason of the foregoing, Respondent has violated Integration Rule 11.02(3)(a) (the commission by a lawyer of any act contrary to good morals, whether the act is committed in the course of his relations as attorney or otherwise, whether committed within or outside the State of Florida, and whether or not the act is a felony or misdemeanor, constitutes a cause for discipline) and Disciplinary Rules 1-102(A)(1) (violation of a disciplinary rule); 1-102(A)(3) (illegal conduct involving moral turpitude), and 1-102(A)(6) (conduct that adversely reflects on fitness to practice law).

III. RECOMMENDATIONS AS TO WHETHER RESPONDENT SHOULD BE FOUND GUILTY

I recommend that Respondent be found guilty of the following violations of the Code of Professional Responsibility:

Integration Rule 11.02(3)(a) (the commission by a lawyer of any act contrary to good morals, whether the act is committed in the course of his relations as attorney or otherwise, whether committed within or outside the State of Florida, and whether or not the act is a felony or misdemeanor, constitutes a cause for discipline);

Disciplinary Rule 1-102(A)(1) (violation of a disciplinary rule);

Disciplinary Rule 1-102(A)(3) (illegal conduct involving moral turpitude);

Disciplinary Rule 1-102(A)(6) (conduct that adversely reflects on fitness to practice law).

IV. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

I recommend that Respondent be disciplined by:

A) Disbarment

B) Payment of \$150.00 to The Florida Bar representing its costs in bringing this action. Such costs shall be paid within thirty days of the date of the Supreme Court's Order imposing discipline.

V. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to article XI, Rule 11.06(9)(a)(4), I considered the following personal history of Respondent, to wit:

Age: 44

Date admitted to Bar: October 18, 1973

Prior Discipline: None

VI. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

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

A. Referee Level

1. Administrative Costs	<u>\$150.00</u>
TOTAL	\$150.00

It is recommended that costs be charged to Respondent and that interest at the statutory rate shall accrue and be payable beginning thirty days after the judgment on this case becomes final unless a waiver is granted by the Board of Governors of The Florida Bar.

DATED this 7<sup>th</sup> day of July 1986.

William L. Gary  
WILLIAM L. GARY, Circuit Judge  
Referee

Copies to:

James N. Watson, Jr., Bar Counsel of The Florida Bar  
Harold E. Casety, Jr., Respondent