

IN THE SUPREME COURT OF FLORIDA

BEFORE A REFEREE

THE FLORIDA BAR, RE PETITION

FOR REINSTATEMENT OF

RICHARD J. ALFIERI,

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CASE NO. 68,885

FILED

SID J. WHITE

JAN 10 1987 C

CLERK, SUPREME COURT

REFEREE'S REPORT

By \_\_\_\_\_  
Deputy Clerk

This case came before the Court, sitting as referee, on December 18, 1986. The Court heard sworn testimony and received documents and affidavits into evidence. The issue before the Court is Petitioner's fitness to resume the practice of law.

Findings of Fact

In August, 1982, Petitioner agreed to enter a plea of guilty to two counts of an indictment in federal criminal case number 82-6070-CR-NCR in the Southern District of Florida. The essence of the criminal charges was that Petitioner misused his trust account and his daughter's position as a bank teller to violate certain provisions of the Internal Revenue Code on behalf of a client. Pursuant to the sentence imposed by the Federal Court, Petitioner served a prison sentence of approximately two and a half years and was released in May, 1985. Since his release from prison, Petitioner has performed a variety of legal work for various attorneys.

The appropriate community for judging Petitioner's professional and personal reputation is Broward County. In spite of Petitioner's criminal conviction, there is no evidence in the record to indicate anything other than a reputable character and a firm moral standing in his community. Other than the acts for which he was convicted, Petitioner's professional reputation is good. Petitioner committed the criminal acts at a time of personal difficulties. Petitioner's personal physician notes a marked improvement in his patient's current mental health from his

condition in 1981 and 1982. Even though he involved his own daughter in criminal acts, she and the rest of the family have reconciled with Petitioner and a supportive family relationship appears to exist at this time. Attorneys and laymen who are familiar with Petitioner's legal work are uniform in affirming its good quality.

Rather than contest the charges against him, Petitioner entered a plea of guilty. That decision appears to be the beginning of his rehabilitation. Petitioner has accepted the consequences of his wrongdoing and appears sincerely desirous of placing his mistakes behind him and looking to the future. Even while in prison, Petitioner blamed no one for his mistakes other than himself. Along these lines, the Court notes that the testimony of Steven Green, a fellow inmate of Petitioner's, and Rory McMahon, Petitioner's parole and probation officer, demonstrate the sincerity of Petitioner's remorse and the scope of his rehabilitation.

Numerous attorneys have testified or sworn to Petitioner's competence in those legal matters entrusted to him. Other witnesses have testified to Petitioner's longstanding desire to use his legal training to help others. This desire to perform as a "counselor" at law is an aspect of the legal profession that too often is ignored. The Court finds that Petitioner's attitude reflects a sincere sense of repentance and a realization on his part that his future conduct must be exemplary.

Petitioner's civil rights have been restored. Other than the fine imposed in the criminal case, there are no judgments outstanding against him.

#### Recommendations

Based on the above findings of fact, this Court makes the following recommendations to the Supreme Court of Florida:

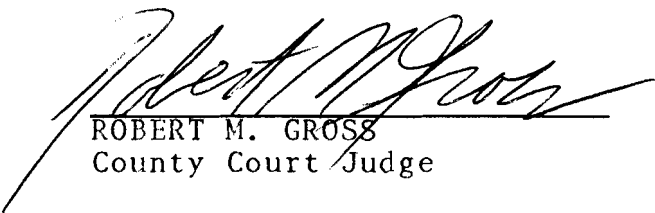
1. Petitioner, Richard Alfieri is qualified to resume the

practice of law.

2. Petitioner's reinstatement should be conditional upon the payment of the fine imposed by the Court in the case of United States of America vs. Richard J. Alfieri, Southern District of Florida, Case Number 82-6070-CR.

3. That reinstatement be made conditional upon the Petitioner's payment of the costs of the reinstatement proceeding in excess of the \$500.00 deposit previously made. This amount is \$482.05.

Respectfully submitted this 13th day of January, 1987.



ROBERT M. GROSS  
County Court Judge

copies furnished:

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