

FILED

SID J. WHITE

SEP 3 1991

CLERK, SUPREME COURT

By  Chief Deputy Clerk

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

CASE NO. 76,396

(TFB Nos. 90-11,344 (6E))

v.

N. ALFRED WINN,

Respondent.

REPORT OF REFEREE

I. Summary of Proceedings: Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to the Rules Regulating The Florida Bar, hearings were held on. Any pleadings, notices, motions, orders, transcripts, and exhibits are forwarded to The Supreme Court of Florida with this report and constitute the record in this case.

The following attorneys appeared as counsel for the parties:

For The Florida Bar: JOSEPH A. CORSMEIER

For The Respondent: N. ALFRED WINN, PRO SE

II. Findings of Fact as to Each Item of Misconduct with Which the Respondent is Charged: After considering all the pleadings and evidence before me, pertinent portions of which are commented on below, I find: Respondent was charged with and convicted of committing the following federal felonies: (1) conspiracy to kidnap a human being; Annie Laurie Hearin, and hold her for ransom; (2) mailing a threatening communication in furtherance of the conspiracy to kidnap and, (3) perjury, wherein Respondent intentionally misrepresented to the grand jury that he had no knowledge of the conspiracy to kidnap the victim or the threatening communication.

I further find that Respondent committed the acts as alleged in the criminal indictment as outlined in the Complaint.

III. Recommendation as to Whether or Not the Respondent Should be Found Guilty: As to the Complaint, I make the following recommendations as to guilt or innocence. I find the Respondent guilty of violating the following Rules Regulating The Florida Bar: Rule 3-4.3, 4-8.4(a), 4-8.4(b); 4-8.4(c); and

4-8.4(d) as alleged in the Complaint.

IV. Recommendation as to Disciplinary Measures to be Applied: I recommend that the Respondent be disbarred from the practice of law in the State of Florida and be required to pay the costs incurred by The Florida Bar in this proceeding.

V. Personal History and Past Disciplinary Record Applied: After the finding of guilty and prior to recommending discipline to be recommended pursuant to Rule 3-7.6(k)(1), I considered the following personal history and prior disciplinary record of the respondent, to wit:

Year of Birth: 1924

Date Admitted to Bar: September 16, 1952

Prior Disciplinary Convictions and Disciplinary Measures Imposed therein: (1) Respondent received a six (6) month suspension from the practice of law for charging a client an exorbitant or extortionate fee. The Florida Bar v. N. Alfred Winn, 208 So.2d 809 (Fla. 1968), Supreme Court Case No. 36,450.

(2) Respondent received a private reprimand in 1986 for violating conflict of interests rules of The Florida Bar. TFB No. 85,11,261.

(3) Respondent received a discipline of probation on June 8, 1989 for charging an illegal, prohibited or clearly excessive fee. The Florida Bar v. N. Alfred Winn, 545 So.2d 1369 (Fla. 1989) Supreme Court Case No. 73,039.

Aggravating Factors:

- (1) dishonest or selfish motive. Respondent committed the criminal acts for pecuniary gain.
- (2) Pattern of misconduct and multiple offenses.
- (3) substantial experience in the practice of law.
- (4) Prior disciplinary offenses

Mitigating Factors: I find no mitigating factors which apply to this case.

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. Administrative Cost \$500.00

B. U.S. District Court for Southern Mississippi
copies 13.50

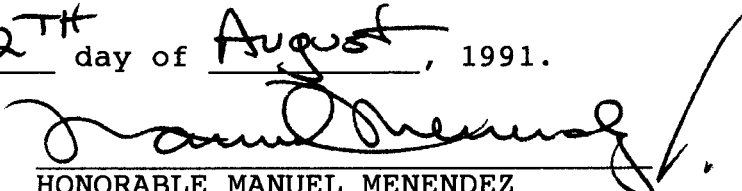
C. Court Reporting Service

(Betty M. Lauria) 9/25/90

Per diem	35.00
Transcript (original & 1 copy) .	33.00
Postage & Handling	4.00
	<u>\$585.50</u>

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 12TH day of August, 1991.


HONORABLE MANUEL MENENDEZ
REFEREE

Copies Furnished to:

N. Alfred Winn, Respondent, Pro Se
Joseph A. Corsmeier, Assistant Staff Counsel
John T. Berry, Staff Counsel