

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 16th day of July, 1991, the following order was made and entered:

The Committee on Legal Ethics of The West Virginia State Bar, Complainant

vs.) No. 20161

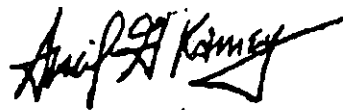
Donald C. Carman, an inactive member of The West Virginia State Bar, Respondent

The Court, having maturely considered the verified complaint praying for the annulment of the license to practice law in the State of West Virginia of the respondent, together with the Judgment of Conviction of the respondent filed on the 23rd day of April, 1991, in the United States District Court for the Northern District of West Virginia, as provided by Sections 23 and 25, Article VI of the Bylaws, Rules and Regulations of The West Virginia State Bar, with a copy of the Indictment entered on the 26th day of June, 1990, in the United States District Court for the Eastern District of North Carolina, Wilmington Division, Action Nos. 90-25-01-CR7, 90-25-02-CR7 and 90-25-03-CR7, the rule awarded thereon, the answer of the respondent, Donald C. Carman, and the briefs of counsel thereon, today handed down a prepared order annulling Donald C. Carman's license to practice law in this State, for violation of Article VI, Section 23 of the Bylaws of The West Virginia State Bar.

It is further ordered that a copy of this order  
be, and the same hereby is, certified to the Executive Director  
of The West Virginia State Bar and to all parties hereto.

A True Copy

Attest:



Clerk, Supreme Court of Appeals

Per Curiam:

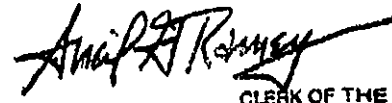
The Committee on Legal Ethics of  
The West Virginia State Bar

No. 20161 v.

Donald C. Carman, an inactive member  
of The West Virginia State Bar

**FILED**

JUL 16 1991

  
CLERK OF THE  
SUPREME COURT OF APPEALS  
OF WEST VIRGINIA

In this proceeding the West Virginia State Bar requests that we annul Donald C. Carman's license to practice law. Mr. Carman moved for a mitigation hearing, which was denied by order of June 13, 1991. We find that the facts justify the annulment of Mr. Carman's license.

On December 20, 1990, Mr. Carman entered guilty pleas to two counts of bank fraud in the United States District Court for the Northern District of West Virginia. (He had been indicted on forty-two counts in the United States District Court for the Eastern District of North Carolina. The guilty pleas were entered pursuant to a plea agreement.) An order of conviction was entered on April 23, 1991.

Article VI, § 23 of the By-Laws of the West Virginia State Bar provides that an attorney's license shall be annulled upon proof of conviction of any crime involving moral turpitude. We have held fraud to be a crime involving moral turpitude. In re Mann, 151 W. Va. 644, 154 S.E.2d 860 (1967), overruled on other

grounds, \_\_\_ W. Va. \_\_\_, 394 S.E.2d 735 (1990); In re Smith, 158 W. Va. 13, 206 S.E.2d 920 (1974); In re West, 155 W. Va. 648, 186 W.Va. 776 (1972). Annulment of an attorney's license upon conviction of such a crime is mandatory. In re Mann, supra; In re Trent, 154 W. Va. 333, 175 S.E.2d 461 (1970); In re Barron, 155 W. Va. 98, 181 S.E.2d 273 (1971); In re Robertson, 156 W. Va. 463, 194 S.E.2d 650 (1973); In re Smith, supra.

Accordingly, Donald C. Carman's license to practice law in the State of West Virginia is hereby annulled.

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 9th day of May, 1991, the following order was made and entered:

The Committee on Legal Ethics of The  
West Virginia State Bar, Complainant

vs.) No. 20161

Donald C. Carman, an inactive member of The West  
Virginia State Bar, Respondent

On a former day, to-wit, May 2, 1991, came the Committee on Legal Ethics of The West Virginia State Bar, by Sherri D. Goodman, its attorney, and presented to the Court its verified complaint praying for the annulment of the license to practice law in the State of West Virginia of the respondent, Donald C. Carman, together with the Judgment of Conviction of the respondent filed on the 23rd day of April, 1991, in the United States District Court for the Northern Districe of West Virginia, as provided by Sections 23 and 25, Article VI of the Bylaws, Rules and Regulations of The West Virginia State Bar, with a copy of the Indictment entered on the 26th day of June, 1990, in the United States District Court for the Eastern District of North Carolina, Wilmington Division, Action Nos. 90-25-01-CR7, 90-25-02-CR7 and 90-25-03-CR7, and moved the Court to issue a rule to the said respondent directing him to show cause why an order should not be entered annulling his license to practice law in this State.

Upon consideration of which it is ordered that the verified complaint of the Committee on Legal Ethics of The West Virginia State Bar, together with the papers and documents referred to above, be, filed, and it is further ordered that a rule do issue, directed to the respondent commanding him to appear before this Court at its courtroom in the City of Charleston, Kanawha County, West Virginia, on Tuesday, the 2nd day of July, 1991, to show cause, if any he can, why an order should not be entered annulling his license to practice law in the State of West Virginia. It is further ordered that the respondent file an original and seven copies of a memorandum in his behalf on or before June 13, 1991, and any response deemed necessary to be filed by June 28, 1991.

It is further ordered that the service of a copy of this order upon the respondent, shall have the same effect as the service of a formal rule.

A True Copy

Attest:

  
Clerk, Supreme Court of Appeals