

25 JUL 88 1:13

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
88 DHC 2

THE NORTH CAROLINA STATE BAR,
Plaintiff

vs.

WILLIAM K. NEWELL, III
Defendant

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

This matter came on to be heard and was heard on July 8, 1988 before a hearing committee of John G. Shaw, Chairman, Karen P. Boyle, and Emily Turner. The Plaintiff was represented by Fern E. Gunn and the Defendant did not appear at the hearing.

Based upon the evidence presented at the hearing, the hearing committee finds the following by clear, cogent, and convincing evidence:

1. The Plaintiff, the North Carolina State Bar, is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.

2. The Defendant, William K. Newell, III, was admitted to the North Carolina State Bar on April 20, 1984 and is, and was at all times referred to herein, an Attorney at Law licensed to practice in North Carolina, subject to the rules, regulations, The Code of Professional Responsibility, the Rules of Professional Conduct of the North Carolina State Bar, and the laws of the State of North Carolina.

3. During all of the periods referred to herein, the Defendant was actively engaged in the practice of law in the State of North Carolina and maintained a law office in the city of Asheville, Buncombe County, North Carolina.

4. On October 24, 1985, the Defendant was found guilty by a jury of taking indecent liberties with a child, a felony offense

under North Carolina General Statute §14-202.1. Superior Court Judge W. Douglas Albright sentenced the Defendant to a prison term of three years.

5. The Defendant appealed his conviction to the North Carolina Court of Appeals. The North Carolina Court of Appeals found that there was no error in the Defendant's trial. The North Carolina Court of Appeal's opinion was certified to the Buncombe County Superior Court on October 6, 1986.

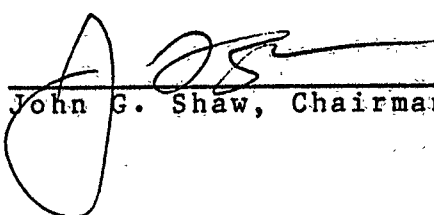
6. The crime of which the Defendant was convicted is a felony and a serious crime as defined in §3(30) of Article IX of the Rules and Regulations of the North Carolina State Bar (Red Book).

7. The crime of which the Defendant was convicted is a criminal offense which shows professional unfitness.

Based upon the foregoing Findings of Fact, the hearing committee makes the following Conclusions of Law:

The conviction of the Defendant as set out above constitutes grounds for discipline pursuant to N.C. Gen. Stat. §84-28(b)(1) and N. C. Gen. Stat. §84-28(b)(2) in that the Defendant engaged in a criminal act that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in other respects in violation of Rule 1.2(B) of the North Carolina Rules of Professional Conduct.

Signed by the undersigned chairman with the full knowledge and consent of the other members of the hearing committee on this the 20 day of July, 1988.


John G. Shaw, Chairman

NORTH CAROLINA

WAKE COUNTY

25 JUL 88 1:56

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
88 DHC 2

THE NORTH CAROLINA STATE BAR,
Plaintiff

vs.

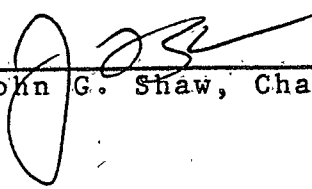
WILLIAM K. NEWELL, III
Defendant

ORDER OF DISCIPLINE

Based upon the evidence at the hearing as described in the Findings of Fact and Conclusions of Law entered in this matter, the hearing committee enters the following Order of Discipline:

1. The Defendant, William K. Newell, III, is hereby disbarred.
2. The Defendant shall surrender his license and membership card to the Secretary of the North Carolina State Bar.
3. The Defendant shall comply with §24 of Article IX of the Rules and Regulations of the North Carolina State Bar.
4. The Defendant is taxed with the cost of this action.

Signed by the undersigned chairman with the full knowledge and consent of the other members of the hearing committee this the 20 day of July, 1988.


John G. Shaw, Chairman