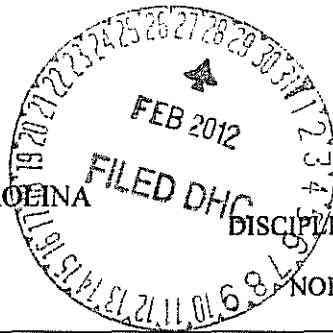


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
10 DHC 37

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

THEOPHILUS O. STOKES, III, Attorney,

Defendant

ORDER OF DISBARMENT

THIS MATTER coming before the undersigned Chair of The Disciplinary Hearing Commission (DHC) pursuant to 27 N.C.A.C. 1B § .0117(d) upon an affidavit of surrender of license executed by Theophilus O. Stokes, III ("Stokes") dated February 27, 2012 and filed with the Chair of the DHC on February 28, 2012.

Based upon the pleadings and the record, the undersigned makes the following:

FINDINGS OF FACT

1. Plaintiff, the North Carolina State Bar ("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 (Chapter 1 of Title 27 of the North Carolina Administrative Code).

2. Defendant, Theophilus O. Stokes, III ("Stokes"), was admitted to the North Carolina State Bar in 1984, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar and the Rules of Professional Conduct.

3. The North Carolina State Bar filed a formal complaint against Defendant on October 22, 2010 and an amended complaint on January 5, 2011. The complaint, as amended, contains a First Claim for Relief that includes allegations that Defendant participated in fraudulent check exchanges with T.R. and that Defendant was convicted for two misdemeanor offenses of receiving stolen goods, which were checks from T.R. The conduct set out in the First Claim for Relief of the pending complaint constitutes violations of Rule 8.4(a), (b), and (c) of the Rules of Professional Conduct and as such constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2). Additionally, Defendant's conviction constitutes grounds for discipline under N.C. Gen. Stat. § 84-28(b)(1).

4. Defendant has indicated his consent to disbarment by filing an affidavit with the Chair of the DHC. The affidavit meets all requirements set forth in 27 N.C.A.C. 1B § .0117(a)(1), (2), (3), (4) and (d).

Based upon the foregoing Findings of Fact the undersigned makes the following

#### CONCLUSIONS OF LAW

1. 27 N.C.A.C. 1B § .0108 provides that the Chair of the DHC has the power and duty to enter orders disbarring members by consent.

2. 27 N.C.A.C. 1B § .0117(d) states that the Chair of the DHC will accept the surrender and issue an order of disbarment upon determination that an affidavit of surrender filed pursuant to this subsection meets the requirements set out in 27 N.C.A.C. 1B § .0117(a)(1), (2), (3), (4).

3. Defendant's affidavit meets all requirements set forth in 27 N.C.A.C. 1B §.0117(a)(1), (2), (3), (4) and (d) and the facts upon which the affidavit is predicated warrant Defendant's disbarment.

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned Chair of the Disciplinary Hearing Commission enters the following

#### ORDER

1. The surrender of the license of Theophilus O. Stokes, III is hereby accepted.

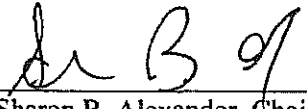
2. Theophilus O. Stokes, III is DISBARRED from the practice of law in North Carolina.

3. The effective date of this order is the date of the filing of this order with the clerk of the Disciplinary Hearing Commission. The effective date of the disbarment under this order is made retroactive to January 12, 2011.

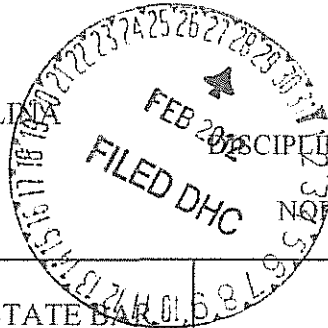
4. Theophilus O. Stokes, III shall comply with the provisions of 27 N.C.A.C. 1B § .0117(c) and § .0124 of the State Bar Discipline and Disability Rules and shall surrender his license and permanent membership card to the Secretary of the North Carolina State Bar along with the affidavit required by 27 N.C.A.C. 1B § .0124 of the State Bar Discipline and Disability Rules.

5. The costs of this action and administrative fees are taxed against Defendant.

This the 28 day of February, 2012.

  
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Sharon B. Alexander, Chair  
Disciplinary Hearing Commission

STATE OF NORTH CAROLINA  
WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
10 DHC 37

THE NORTH CAROLINA STATE BAR

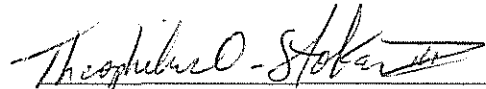
Plaintiff  
v.  
THEOPHILUS O. STOKES, III, Attorney,  
Defendant

AFFIDAVIT OF  
SURRENDER OF  
LAW LICENSE

Theophilus O. Stokes, III, being first duly sworn, deposes and says as follows:


1. I desire to resign and hereby tender my license to practice law in North Carolina.
2. My resignation is freely and voluntarily rendered. It is not the result of coercion or duress. I am fully aware of the implication of submitting my resignation.
3. I am aware that there is pending a complaint against me before the Disciplinary Hearing Commission, with a First Claim for Relief that includes allegations that I participated in fraudulent check exchanges with T.R. and my conviction for two misdemeanor offenses of receiving stolen goods, which were checks from T.R.
4. I acknowledge that the material facts upon which the First Claim for Relief in the pending complaint is predicated are true.
5. I am submitting my resignation because I know that I could not successfully defend against these disciplinary charges.

This the 27<sup>th</sup> day of February 2012.

  
Theophilus O. Stokes, III

I, Donna P. Pruitt, Notary Public of the County of Guilford State of North Carolina, certify that Theophilus O. Stokes, III personally appeared before me this day, was sworn, attested that the foregoing Affidavit is true and accurate of his own personal knowledge, and executed the foregoing Affidavit.

This the 27 day of February 2012.

  
Notary Public

Donna P Pruitt  
NOTARY PUBLIC  
Guilford County  
State of North Carolina  
My Commission Expires 11-19-14

My Commission Expires: 11-19-14