

**SUPREME COURT MINUTES  
TUESDAY, AUGUST 22, 2017  
SAN FRANCISCO, CALIFORNIA**

**S089311****PEOPLE v. HENRIQUEZ  
(CHRISTOPHER)**

Order filed

The request of counsel for appellant in the above-referenced cause to allow two counsel to argue on behalf of appellant at oral argument is hereby granted.

The request of appellant to allocate to Oscar Bobrow 20 minutes and Scott Kauffman 10 minutes of appellant's 30-minute allotted time for oral argument is granted.

**S089311****PEOPLE v. HENRIQUEZ  
(CHRISTOPHER)**

Order filed

Good cause appearing, appellant's "Motion for Permission to Have Additional Counsel Argue at Oral Argument," is granted. Oscar Bobrow, Chief Deputy Public Defender for Solano County and Scott Kauffman, Senior Staff Attorney for the California Appellate Project in San Francisco, may appear in place of appellant's appointed counsel Lynne S. Coffin at oral argument in San Francisco on September 6, 2017.

**S089311****PEOPLE v. HENRIQUEZ  
(CHRISTOPHER)**

Order filed

Appellant's Application for Permission to File Supplemental Opening Brief, filed on August 18, 2017, is granted. The Clerk is directed to file appellant's supplemental opening brief, received on August 18, 2017. Respondent must serve and file a supplemental respondent's brief no later than September 13, 2017. Appellant may serve and file a supplemental reply brief no later than 10 days after the supplemental respondent's brief is filed. No extension of time for the filing of these briefs is contemplated. The matter will be submitted on the date that the last supplemental brief is or could be timely filed under this order or any subsequent order of this court. (See generally, Cal. Rules of Court, rule 8.524(h).)

**S242134****FEENEY ON DISCIPLINE****Recommended discipline imposed**

The court orders that SUSAN DEBORAH FEENEY, State Bar Number 184874, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for one year subject to the following conditions:

1. SUSAN DEBORAH FEENEY is suspended from the practice of law for a minimum of the first 90 days of probation, and she will remain suspended until the following conditions are satisfied:
  - i. She makes restitution to the following payees (or reimburses the Client Security Fund, to the extent of any payment from the fund to the payees, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles:
    - (1) Robert Brown in the amount of \$350 plus 10 percent interest per year from June 23, 2015;
    - (2) Robert Brown, Kimberly Brown, and Lake County Bail Bonds in the amount of \$955 plus 10 percent interest per year from July 20, 2015;
    - (3) Stephen Holland in the amount of \$1,935 plus 10 percent interest per year from July 31, 2015; and
    - (4) Catherine Miller in the amount of \$500 plus 10 percent interest per year from July 17, 2014.
  - ii. If she remains suspended for two years or more as a result of not satisfying the preceding condition, she must also provide proof to the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law before the suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
2. SUSAN DEBORAH FEENEY must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 14, 2017.
3. At the expiration of the period of probation, if SUSAN DEBORAH FEENEY has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

SUSAN DEBORAH FEENEY must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of her suspension, whichever is longer and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

SUSAN DEBORAH FEENEY must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with her membership fees for each of the years 2018, 2019, and 2020. If SUSAN DEBORAH FEENEY fails to pay any installment

as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

**S242206****TAPIA ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that REBECCA AMELIA TAPIA, State Bar Number 83053, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

REBECCA AMELIA TAPIA must comply with the additional requirements regarding the judgment in the *Estate of Barbara Hindry*, Los Angeles Superior Court Case No. BP039801 as recommended by the Hearing Department of the State Bar Court in its Disbarment Order filed on April 19, 2017.

REBECCA AMELIA TAPIA must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S242207****MORIARTY, JR., ON  
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that LEO JOSEPH MORIARTY, JR., State Bar Number 140093, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

LEO JOSEPH MORIARTY, JR., must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S242208****SMITH ON DISCIPLINE**

Recommended discipline imposed

The court orders that DAVID MICHAEL SMITH, State Bar Number 242063, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for three years' subject to the following conditions:

1. DAVID MICHAEL SMITH is suspended from the practice of law for a minimum of the first two years of probation, and he will remain suspended until he provides proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
2. DAVID MICHAEL SMITH must also comply with the other conditions of probation

recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 24, 2017.

3. At the expiration of the period of probation, if DAVID MICHAEL SMITH has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

DAVID MICHAEL SMITH must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

DAVID MICHAEL SMITH must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2018, 2019, and 2020. If DAVID MICHAEL SMITH fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

**S242291****KIM ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DAVID DOE-OOK KIM, State Bar Number 128030, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

DAVID DOE-OOK KIM must make restitution to Alecsi Carrillo and Mario Tzunux in the amount of \$15,000 plus 10 percent interest per year from July 31, 2015. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

DAVID DOE-OOK KIM must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S242376****HUNTER ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DAWN MARIE HUNTER, State Bar Number 177153, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

DAWN MARIE HUNTER must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S242378****HENDRIX ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that JOSEPH ALAN HENDRIX, State Bar Number 131556, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

JOSEPH ALAN HENDRIX must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S242379****HARRIS ON DISCIPLINE**

Recommended discipline imposed

The court orders that HOMER LYNN HARRIS, State Bar Number 227468, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years' subject to the following conditions:

1. HOMER LYNN HARRIS is suspended from the practice of law for a minimum of the first six months of probation, and he will remain suspended until he provides proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
2. HOMER LYNN HARRIS must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 21, 2017.
3. At the expiration of the period of probation, if HOMER LYNN HARRIS has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

HOMER LYNN HARRIS must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of his suspension, whichever is longer and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

HOMER LYNN HARRIS must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7

and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2018 and 2019. If HOMER LYNN HARRIS fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

**S242380****GULLA ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that MICHAEL ANTHONY GULLA, State Bar Number 80133, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys. MICHAEL ANTHONY GULLA must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S242381****FALER ON DISCIPLINE**

Recommended discipline imposed

The court orders that MATTHEW ELI FALER, State Bar Number 243067, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years' subject to the following conditions:

1. MATTHEW ELI FALER is suspended from the practice of law for a minimum of the first six months of probation, and he will remain suspended until the following conditions are satisfied:
  - i. He makes restitution to Burke Dambly in the amount of \$3,315 plus 10 percent interest per year from March 5, 2015 (or reimburses the Client Security Fund, to the extent of any payment from the Fund to Burke Dambly, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles;
  - ii. He pays to the Law Office of Les Zieve the \$1,935 sanctions ordered by the Orange County Superior Court in *Baracao v. Carrington Foreclosure Services, LLC, et al.*, case No. 30-2014-00739202, plus 10 percent interest per year from October 26, 2015;
  - iii. He pays to the Orange County Superior Court the \$300 in sanctions ordered in *Kline v. Carrington Mortgage Services*, plus 10 percent interest per year from August 30, 2015; and
  - iv. If he remains suspended for two years or more because of not satisfying the preceding conditions, he must also provide proof to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
2. MATTHEW ELI FALER must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving

Stipulation filed on April 18, 2017.

3. At the expiration of the period of probation, if MATTHEW ELI FALER has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

MATTHEW ELI FALER must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of his suspension, whichever is longer and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

MATTHEW ELI FALER must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

## **S242390**

## **DAVIS ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ERIKSON McDONNELL DAVIS, State Bar Number 197841, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

ERIKSON McDONNELL DAVIS must make restitution to the following payees:

- (1) Kamel Zayat in the amount of \$5,995 plus 10 percent interest per year from January 7, 2016;
- (2) Barbara LaDoucer in the amount of \$3,000 plus 10 percent interest per year from April 15, 2016;
- (3) Clifford Davis in the amount of \$5,359.70 plus 10 percent interest per year from April 4, 2015;
- (4) Robert Gevorkian in the amount of \$5,433 plus 10 percent interest per year from October 5, 2015;
- (5) Jonathan Matias in the amount of \$2,000 plus 10 percent interest per year from February 29, 2016;
- (6) David Stephenson in the amount of \$6,219.40 plus 10 percent interest per year from July 30, 2015;
- (7) Yvette Ramirez in the amount of \$3,750 plus 10 percent interest per year from September 30, 2015; and
- (8) Domingo Juarez in the amount of \$7,100 plus 10 percent interest per year from April 8, 2016.

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

ERIKSON McDONNELL DAVIS must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S242392****BERGERSON ON  
DISCIPLINE**

Recommended discipline imposed

The court orders that DONALD THOMAS BERGERSON, State Bar Number 91263, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for three years' subject to the following conditions:

1. DONALD THOMAS BERGERSON is suspended from the practice of law for a minimum of two years of probation, and he will remain suspended until the following conditions are satisfied:
  - i. He makes restitution to the following payees (or reimburses the Client Security Fund, to the extent of any payment from the fund to the payees, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles:
    - (1) Adrienne Scott in the amount of \$15,000 plus 10 percent interest per year from June 15, 2014;
    - (2) Myra Holmes in the amount of \$7,500 plus 10 percent interest per year from January 6, 2014;
    - (3) Briannah Wilright in the amount of \$3,200 plus 10 percent interest per year from February 21, 2014;
    - (4) Anita Minter in the amount of \$5,000 plus 10 percent interest per year from January 30, 2014;
    - (5) Elizabeth Dougherty in the amount of \$5,600 plus 10 percent interest per year from January 7, 2013; and
    - (6) Tracy Nero in the amount of \$10,000 plus 10 percent interest per year from February 3, 2014.
  - ii. He provides proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
2. DONALD THOMAS BERGERSON must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 10, 2017.
3. At the expiration of the period of probation, if DONALD THOMAS BERGERSON has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

DONALD THOMAS BERGERSON must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)



DONALD THOMAS BERGERSON must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.