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NORTH CAROLINA
WAKE COUNTY

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
86 BCS 3

FILED
OCT 25 1986
CLERK

In the Matter of the
Tender of License of:

R. CHERRY STOKES

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ORDER OF DISBARMENT

THIS MATTER came on to be heard and was heard by the Council of the North Carolina State Bar pursuant to §17 of Article IX of the Rules and Regulations of the North Carolina State Bar, upon an affidavit of tender of license pursuant to §17(2)(a) executed by R. Cherry Stokes on October 24, 1986. Based upon the affidavit of R. Cherry Stokes, the Council of the North Carolina State Bar makes the following Findings of Fact:

1. There was a pending investigation before the North Carolina State Bar into allegations of misconduct by R. Cherry Stokes (hereinafter Stokes).
2. The allegations of misconduct involve the arrest of Stokes on charges of: two counts of conspiracy to sell and deliver cocaine, one count of possession with intent to sell 1/8 ounce of cocaine, and one count of the sale and delivery of cocaine.
3. At the October 7, 1986 term of Superior Court in Pitt County, North Carolina, Stokes entered a plea of guilty to one count of sale and delivery of a controlled substance, cocaine, and a plea of guilty to one count of attempt to sell and deliver a controlled substance, cocaine.
4. At the December 18, 1986 term of Superior Court in Pitt County, North Carolina, Stokes received a six-year active sentence, with that sentence being suspended and Stokes placed on supervised and intensive probation for four years and nine months. As a part of special probation, Stokes is to serve an active ninety-day prison term.
5. Stokes freely and voluntarily tendered the surrender of his license on October 24, 1986. The tender of his resignation is not the result of coercion or duress. Stokes is fully aware of the implications of submitting his resignation.
6. Stokes submits his resignation because he knows that if charges were predicated upon the misconduct under investigation, he could not successfully defend against the charges and he further acknowledges that the material facts upon which the investigation is based are true.

Based upon the foregoing FINDINGS OF FACT, the Council of the State Bar makes the following CONCLUSIONS OF LAW:

1. The affidavit of R. Cherry Stokes to tender his license complies with §17 of Article IX of the Rules and Regulations of the North Carolina State Bar and the affidavit should be accepted.

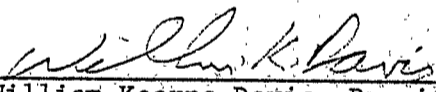
2. Stokes' conviction of one count of sale and delivery of cocaine and one count of attempt to sell and deliver cocaine is conduct in violation of Rule 1.2(B) of the Rules of Professional Conduct of the North Carolina State Bar and N.C. General Statute, §84-28(b)(1)(2).

3. Stokes could not successfully defend any charges of misconduct predicated upon the matters under investigation.

NOW THEREFORE, upon motion duly made and seconded, the Council ORDERS that:

1. The tender of the license of R. Cherry Stokes is accepted.
2. R. Cherry Stokes is DISBARRED from the practice of law in North Carolina.
3. R. Cherry Stokes shall surrender his license and membership card to the Secretary of the North Carolina State Bar, if such action has not been taken.
4. The costs of this proceeding are taxed to R. Cherry Stokes.

This the 16 day of January, 1987.



William Kearns Davis, President
The North Carolina State Bar