

9536

STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
90 CRS 76010

FILED
91 APR 31 AM 11:57
WAKE COUNTY, C.S.C.
BY: _____

STATE OF NORTH CAROLINA)
)
 versus)
)
 GARLAND BROADDUS KINCHELOE, JR.)
 Defendant)
)
 EX REL. LICENSE TO PRACTICE)
 LAW BEFORE THE COURTS OF THE)
 STATE OF NORTH CAROLINA)
 OF GARLAND BROADDUS KINCHELOE, JR.)
 STATE BAR NUMBER 9536)

ORDER SUSPENDING LICENSE TO PRACTICE LAW

IT APPEARING to the Court that the Defendant herein, GARLAND BROADDUS KINCHELOE, JR., having appeared before this Court in the above-captioned criminal matter, and having entered a plea of guilty to a series of offenses, one of which having the grade of felony, and it FURTHER APPEARING that the Defendant is a duly licensed member of the North Carolina State Bar, the Court makes the following

FINDINGS OF FACT

1. That Garland Broaddus Kincheloe, Jr. was duly licensed by the Board of Law Examiners on October 16, 1980, and was admitted to the practice of law before the Courts of this state on November 18, 1980.
2. That Garland Broaddus Kincheloe, Jr. bears North Carolina State Bar Identification Number 9536.
3. That Garland Broaddus Kincheloe, Jr. is currently an attorney in good standing with the North Carolina State Bar.
4. That on ~~April~~ MAY |____, 1991, before the undersigned Judge of Superior Court, said Attorney at Law appeared with counsel and entered a plea of guilty and was sentenced in Case Number 90 CRS 76010, State versus Garland Broaddus Kincheloe, Jr.,

CERTIFIED TRUE COPY FROM ORIGINAL
Clerk of Superior Court, Wake County

By: Regina L. Zahn
Assistant, Deputy, Clerk of Superior Court

on: May 1, 1991

to the following offenses:

- a. Felonious Hit and Run Driving
 - b. Misdemeanor Death by Motor Vehicle
 - c. Misdemeanor Failure to Yield Right of Way
 - d. Misdemeanor Unsafe Movement Violation
5. That the offense of Felony Hit and Run Driving carries the grade of felony, and the Defendant has been sentenced for commission of that felony.
 6. That the offenses with which the Defendant was charged, convicted upon his plea of guilty, and for which he has been sentenced were not related to the practice of law by the Defendant, and were not committed during the course and scope of his representation of any client, and were not committed the course and scope of any law-related activity.
 7. That Mr. Kincheloe's sentence in the criminal case requires him to perform 500 hours of community service, and to seek evaluation, counseling and treatment, if necessary, for any alcohol-related condition he might require following evaluation. These and other requirements relating to the probationary sentence he received from this Court are to be concluded under the supervision of his probation officer.
 8. Mr. Kincheloe has voluntarily and freely admitted his culpability in the offenses to which he has entered a plea of guilty.

Based upon the following FINDINGS OF FACT, the Court enters the following

CONCLUSIONS OF LAW

1. That the Superior Court of Wake County has concurrent jurisdiction with the North Carolina State Bar with respect to the discipline of licensed attorneys and the conduct of attorneys appearing before it.

CERTIFIED TRUE COPY FROM ORIGINAL
Clerk of Superior Court, Wake County

By: Regina L. Zuber
Assistant, Deputy, Clerk of Superior Court

Date: May 1, 1991

2. That the Court hereby exercises its authority with respect to action to be taken concerning the license to practice law of Garland Broaddus Kincheloe, Jr., N.C. State Bar #9536.
3. That the fact of Mr. Kincheloe's conviction of the offense of Felonious Hit and Run Driving, a felony, warrants immediate action by this Court to insure the proper functioning of the Courts of this State and the public confidence necessary to be maintained in the legal profession in North Carolina.
4. The Court rules that the offenses for which Mr. Kincheloe has been sentenced are not related to the practice of law, and have not involved Mr. Kincheloe's actions on behalf of any client or in the course of law-related activity.
5. The Court hereby SUSPENDS Garland Broaddus Kincheloe, Jr., State Bar Number 9536, from the practice of law. The period of the suspension of Mr. Kincheloe's license is to run concurrently with and coterminously with the period of probation imposed by this Court in 90 CRS 76010, Superior Court of Wake County, State versus Garland Broaddus Kincheloe, Jr. Mr. Kincheloe is directed to surrender his license to the Clerk upon entry of this ORDER.
6. Thomas C. Manning, Attorney for Mr. Kincheloe, is hereby directed to deliver a certified copy of this ORDER together with Mr. Kincheloe's law license to the North Carolina State Bar forthwith.
7. At the conclusion of the period of suspension, Mr. Kincheloe may resume the practice of law PROVIDED that he complies with the following requirements:
 - a. That he produce verifying information acceptable to the North Carolina State Bar that he has satisfied all of the conditions of the Judgment entered by this Court in 90 CRS 76010, and further show that his citizenship rights have been restored;

CERTIFIED TRUE COPY FROM ORIGINAL
Clerk of Superior Court, Wake County

By: Regina L. Zuk
Assistant, Deputy, Clerk of Superior Court

Date: May 1, 1991

b. That he meet any requirements and/or conditions which may be imposed upon him by the North Carolina State Bar with respect to the resumption of the practice of law following a period of suspension as set forth in Section 25(b) of Article IX of the Rules and Regulations of the North Carolina State Bar.

AND IT IS SO ORDERED, THIS THE 1 DAY OF ^{May}~~APRIL~~, 1991.

Donald W. Stephens
JUDGE OF SUPERIOR COURT PRESIDING

CERTIFIED TRUE COPY FROM ORIGINAL
Clerk of Superior Court, Wake County

By: Regina L. Zahn
Assistant, Deputy, Clerk of Superior Court

Date: May 1, 1991