

NORTH CAROLINA

WAKE COUNTY

7086

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
96G1472(IV)

IN THE MATTER OF

W. ROBINSON DEATON JR.
ATTORNEY AT LAW

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REPRIMAND

On October 23, 1997, the Grievance Committee of the North Carolina State Bar met and considered the grievances filed against you by the State Bar.

Pursuant to Section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Committee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Committee found probable cause. Probable cause is defined in the rules as "reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action."

The rules provide that after a finding of probable cause, the Grievance Committee may determine that the filing of a complaint and a hearing before the Disciplinary Hearing Commission are not required, and the Grievance Committee may issue various levels of discipline depending upon the misconduct, the actual or potential injury caused, and any aggravating or mitigating factors. The Grievance Committee may issue an admonition, a reprimand, or a censure to the respondent attorney.

A reprimand is a written form of discipline more serious than an admonition issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused harm or potential harm to a client, the administration of justice, the profession, or a member of the public, but the misconduct does not require a censure.

The Grievance Committee was of the opinion that a censure is not required in this case and issues this reprimand to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this reprimand, and I am certain that you will understand fully the spirit in which this duty is performed.

On December 2, 1996, you were charged with assault with a deadly weapon with intent to kill and discharging a firearm into an occupied vehicle. These charges stemmed from your firing a shotgun at a car driven by Angelique Weaver, wherein her husband, Kevin Wheeler, and two small children were passengers. While no one was seriously injured, Mr. Weaver was grazed by a pellet.

On September 9, 1997, you pled no contest to misdemeanors of assault with a deadly weapon and willful and wanton injury to personal property. Superior Court Judge J. Marlene Hyatt entered a sentence of 30 days in each of the misdemeanor cases. Judge Hyatt suspended the sentences and ordered unsupervised probation for a period of 12 months upon the condition that you pay the court costs and restitution in the amount of \$100.00.

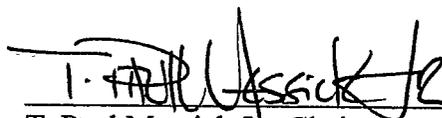
The Grievance Committee finds that your conduct in this matter violated Rule 1.2(b) of the North Carolina Rules of Professional Conduct. The Grievance Committee believes that your conduct was very serious and it is in no way condoned by the North Carolina State Bar. Fortunately for you and the occupants of the Weaver vehicle, no one was killed. The Grievance Committee was cognizant of the history between you and Mr. Weaver, including the numerous police reports filed by you and your family, and the harassment you and your family endured for a long period of time. In addition, the Grievance Committee also considered the many character letters that were submitted on your behalf.

You are advised to seek lawful solutions to your problems and not take the law into your own hands.

You are hereby reprimanded by the North Carolina State Bar for your professional misconduct. The Grievance Committee trusts that you will heed this reprimand, that it will be remembered by you, that it will be beneficial to you, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession.

In accordance with the policy adopted October 15, 1981 by the Council of the North Carolina State Bar regarding the taxing of the administrative and investigative costs to any attorney issued a reprimand by the Grievance Committee, the costs of this action in the amount of \$50.00 are hereby taxed to you.

Done and ordered, this the 29th day of DECEMBER, 1997.



T. Paul Messick Jr., Chair
Grievance Committee

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