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NORTH CAROLINA
WAKE COUNTY

FILED
1986 DEC 12 AM 10:28
S.E. JAMES, SEC.
THE N.C. STATE BAR

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
86 DHC II

THE NORTH CAROLINA STATE BAR,)	
Plaintiff)	
)	
vs.)	FINDINGS OF FACT AND
)	CONCLUSIONS OF LAW
WALTER OLIVER MELVIN,)	
Defendant)	

This matter coming on to be heard and being heard on December 12, 1986 in the the Council Chambers, 3rd Floor of the North Carolina State Bar Building, 208 Fayetteville Street Mall, Raleigh, North Carolina before a hearing committee of the Disciplinary Hearing Commission composed of John B. McMillan, Chairman, Maureen Murray, and Alice Penny; and

BASED UPON the Default of Defendant for his failure to file Answer in this action and the evidence offered at the hearing, the hearing committee finds the following by clear, cogent, and convincing evidence:

FINDINGS OF FACT

1. The Plaintiff, the North Carolina 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 promulgated thereunder.

2. The Defendant, W. Oliver Melvin, was admitted to the North Carolina State Bar on March 18, 1977 and is, and was at all times referred to herein, an Attorney at Law licensed to practice in North Carolina, subject to the rules, regulations, and Code of Professional Responsibility of the North Carolina State Bar and the laws of the State of North Carolina.

3. During all of the periods referred to herein, the Defendant was actively engaged in the practice of law in the State of North Carolina and maintained a law office in the City of Fayetteville, Cumberland County, North Carolina.

4. On June 12, 1986, Defendant was convicted of two counts of felony embezzlement in violation of N.C. Gen. Stat. §14-90 upon a plea of no contest to each of the felonies.

5. On June 12, 1986, Judge Henry V. Barnette, Jr. entered judgment in the above-referenced cases in the Superior Court of Cumberland County, file numbers 85 CRS 4327 and 85 CRS 48762.

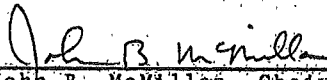
6. The crimes Defendant was convicted of are serious crimes as defined in §3(30) of Article IX of the Rules and Regulations of the North Carolina State Bar (The Red Book).

7. The crimes Defendant was convicted of are criminal offenses showing professional unfitness.

BASED UPON the foregoing Findings of Fact, the hearing committee makes the following CONCLUSIONS OF LAW:

- (a) Defendant's conduct, as set out above, constitutes grounds for discipline pursuant to NCGS §84-28(b)(1) in that each of the offenses for which Defendant was convicted were criminal offenses showing professional unfitness.
- (b) Defendant's conduct, as set out above, constitutes grounds for discipline pursuant to NCGS §84-28(b)(2) in that Defendant engaged in illegal conduct involving moral turpitude in violation of DR1-102(A)(4) of the Code of Professional Responsibility.

Signed by the undersigned Chairman with the full accord and consent of the other members of the hearing committee this the 12th day of December, 1986.



John B. McMillan, Chairman

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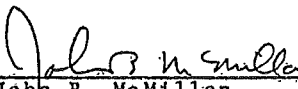
BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
86 DHC 11

THE NORTH CAROLINA STATE BAR,)
Plaintiff)
vs.) ORDER OF DISCIPLINE
WALTER OLIVER MELVIN,)
Defendant)

This matter coming on to be heard and being heard on December 12, 1986 before a hearing committee composed of John B. McMillan, Chairman, Maureen Murray, and Alice Penny; and based upon the FINDINGS OF FACT and CONCLUSIONS OF LAW entered by the hearing committee of even date herewith; and further based upon arguments presented in the second phase of the hearing, the hearing committee enters the following ORDER OF DISCIPLINE:

- 1). The Defendant, Walter Oliver Melvin, is hereby DISBARRED from the practice of law in North Carolina.
- 2). The Defendant, Walter Oliver Melvin, shall forthwith surrender his license and permanent membership card to the Secretary of the North Carolina State Bar.
- 3). The Defendant, Walter Oliver Melvin, shall comply with the provisions of §24 of Article IX of the Rules and Regulations of the North Carolina State Bar.
- 4). The Defendant, Walter Oliver Melvin, is hereby taxed with the costs of this action.

Signed by the undersigned Chairman with the full accord and consent of the other members of the hearing committee this the 12th day of December, 1986.


John B. McMillan