

4823

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR

77 DHC 11

THE NORTH CAROLINA STATE BAR,)
Plaintiff)
vs.)
CHARLES KENNETH WOOD, Attorney,)
Defendant)

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

This cause was heard before the undersigned Hearing Committee of the Disciplinary Hearing Commission of The North Carolina State Bar on October 21, 1977, in the Office of The North Carolina State Bar, 107 Fayetteville Street, Raleigh, North Carolina. The North Carolina State Bar was represented by C. Christopher Bean, Staff Attorney. The Defendant chose not to appear but to submit an affidavit. The Hearing Committee, after hearing evidence, as appears of record, makes the following Findings of Fact:

(1) 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 in Chapter 84, General Statutes of North Carolina.

(2) The Defendant, Charles Kenneth Wood, is a citizen and resident of Mecklenburg County, North Carolina, and was admitted to The North Carolina State Bar on September 26, 1966, and is and was at all times relevant to this proceeding, an Attorney at Law, licensed to practice in the State of North Carolina and is subject to the Rules, Regulations, Canons of Ethics, and Code of Professional Responsibility of The North Carolina State Bar and the laws of the State of North Carolina.

(3) A duly verified Complaint, setting forth the charges against the Defendant, was filed in the office of The North Carolina State Bar on August 8, 1977. Notice thereof was given to the Defendant by personal service upon the Defendant of a copy of the Complaint, Notice and Summons by the Sheriff of Granville County on August 9, 1977.

(4) No Answer to the Complaint was filed in the office of The North Carolina State Bar by the Defendant, but an affidavit was submitted to The North Carolina State Bar on October 13, 1977.

(5) Notice of this hearing was duly made to the Defendant on August 26, 1977 by Harold K. Bennett, Chairman, The Disciplinary Hearing Commission of The North Carolina State Bar.

(6) On March 15, 1977 in the District Court of the United States for the District of South Carolina, Rock Hill Division, the Grand Jury returned a True Bill charging the Defendant with violations of Title 21, United States Code, Section 846, Section 841(a)(1), Section 812, and Title 18, United States Code, Section 2.

(7) On May 5, 1977, the Defendant entered a plea of guilty to the charges of conspiring with others to manufacture and distribute and possess and manufacturing and distributing and possessing and causing to be manufactured and distributed Amphetamine Sulfate, a Schedule II Controlled Substance, as set forth in Title 21, United States Code, Section 812, in violation of the provisions of Title 21, United States Code, Sections 846 and 841(a)(1).

(8) On June 9, 1977 The Honorable Charles E. Simmons, Jr., United States District Judge for the District of South Carolina, Rock Hill Division, ordered that the Defendant be imprisoned for a period of three (3) years to be followed with a special two (2) year term of parole.

(9) The Defendant is presently imprisoned at the Federal Correctional Institution at Butner, North Carolina where he is incarcerated in the Mental Health Care Section to receive treatment for mental and emotional problems.

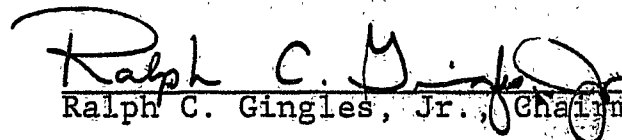
(10) In his affidavit the Defendant has requested that his resignation from The North Carolina State Bar be accepted and on October 18, 1977, his license to practice law in the State of North Carolina was tendered.

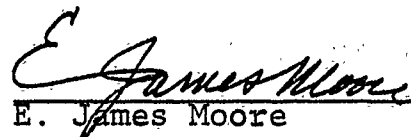
UPON THE FOREGOING FINDINGS OF FACT, THE HEARING COMMITTEE MAKES THE FOLLOWING CONCLUSIONS OF LAW:


(1) The Defendant was convicted of a criminal offense showing professional unfitness, from which he has not appealed and the time for filing appeal has expired.

(2) The Defendant engaged in illegal conduct involving moral turpitude by violating the provisions of Title 21, United States Code, Sections 812, 846 and 841(a)(1) which is in violation of DR 1-102(A)(3) of The North Carolina State Bar Code of Professional Responsibility.

This the 21st day of October, 1977.


Ralph C. Gingles, Jr., Chairman


E. James Moore


Kenyon B. Zahner, Jr.

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ORDER

Based upon the foregoing findings of fact and conclusions of law and pursuant to Section 9 and Section 15 of Article IX, Discipline and Disbarment of Attorneys, the undersigned Hearing Committee of the Disciplinary Hearing Commission hereby issues the following ORDER.

IT IS HEREBY ORDERED that the defendant, Charles Kenneth Wood, be disbarred from the practice of law in the State of North Carolina under the provision of North Carolina General Statute 84-28(C)(1).

IT IS FURTHER ORDERED that the defendant, Charles Kenneth Wood, may apply for reinstatement three years from the date hereunder, and at such time he will have the burden of demonstrating by clear and convincing evidence:

1. That he has the moral qualifications, competency and learning in law required for admission to practice law in this State and that the resumption of the practice of law within this State by the defendant will be neither detrimental to the integrity and standing of the Bar or the administration of justice nor subversive of the public interest.

2. That the disability caused by mental and/or emotional problems has been removed and that the defendant is mentally and emotionally fit to resume the practice of law.

IT IS FURTHER ORDERED that Charles Kenneth Wood be taxed with the costs of this hearing.

This the 21st day of October, 1977.

Ralph C. Gingles, Jr.
Ralph C. Gingles, Jr., Chairman

E. James Moore
E. James Moore

Kenyon B. Zahner, Jr.
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