

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

ROY EDWARD LEINSTER,

Respondent.

Case No. _____
[TFB Case No. 99-31,701 (09C) (CFC)]



NOTICE OF DETERMINATION OR JUDGMENT OF GUILT

COMES NOW the complainant, The Florida Bar, by and through the undersigned counsel, and files this notice of determination or judgment of guilt, pursuant to R. Regulating Fla. Bar 3-7.2(e), and says:

1. Respondent was, and still is, a member of The Florida Bar subject to the jurisdiction of The Supreme Court of Florida and the Rules Regulating The Florida Bar.

2. Respondent is currently on emergency suspension pursuant to an order of the Supreme Court of Florida entered on August 28, 1998 in Case No. 93,715 [TFB Case No. 99-30,220 (09C) (CES)]. Respondent's Petition for Disciplinary Resignation filed on November 16, 1998, pursuant to R. Regulating Fla. Bar 3-7.12, in Case No. 94,332 [TFB Case No. 99-30,922 (09C) (CRS)], is pending before the Supreme Court of Florida.

3. On March 12, 1999, in open court, respondent entered a

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plea of nolo contendere to a felony charge of DUI with Serious Bodily Injury, Count I, in Case No. CR98-10680, Ninth Judicial Circuit, Orange County, Florida. Respondent also entered a nolo contendere plea to a felony charge of DUI (Three Prior Convictions), Count II, in Case No. CR98-3211, Ninth Judicial Circuit, Orange County, Florida. A copy of the plea agreement is attached hereto and incorporated herein as Exhibit A.

4. In his plea, respondent agreed to accept the State's recommendation of a five (5) year prison sentence in Case No. CR98-10680, followed by probation of five (5) years in Case No. CR98-3211 with the following conditions:

A. Restitution to Constance Vernon in the amount of \$135,000, and to all other victims for property damage sustained;

B. Respondent will not possess or consume any alcohol, nor will he consume any drug not prescribed;

C. Respondent will submit to random drug testing and any substance abuse counseling as directed by his probation officer;

D. Respondent shall not operate a motor vehicle during the period of his probation, notwithstanding the status of his driver's license; and

E. All minimum mandatory fines and license suspensions as required by Florida Statute.

5. In exchange for respondent's plea, the State agreed to file a nolle prosequi in all other counts in both cases.

6. On March 12, 1999, the court adjudicated respondent guilty in accordance with his plea. Copies of the judgments and the court minutes are attached hereto and incorporated herein as Composite Exhibit B.

7. On March 15, 1999, respondent was sentenced pursuant to his plea agreement. With respect to Case No. CR98-10680, Count I, the court sentenced respondent to five (5) years in the Department of Corrections with credit for 207 days time served. The court recommended the TIER Program for substance abuse treatment. Respondent was also ordered to pay a total of \$275.00 in fines and court costs. The State filed a nolle prosequi in open court with respect to Counts II and III. A copy of the court minutes/sentencing order is attached hereto and incorporated herein as Composite Exhibit C.

8. On March 17, 1999, in Case No. CR98-3211, the court sentenced respondent to a five (5) year period of supervised probation to run consecutive to Case No. CR98-10680 and nunc pro tunc to March 15, 1999, with the following special conditions:

A. That respondent participate in substance abuse evaluation and any recommended counseling or programs and participate in

random urine screens.

B. That respondent does not consume any alcohol or controlled substances not prescribed.

C. That respondent not operate a motor vehicle notwithstanding his driver's license status with the Department of Motor Vehicles and that respondent's driver's license be suspended for ten (10) years.

D. That respondent pay \$1,325.00 in court costs and fines, but that those amounts be reduced to judgment and not imposed as a condition of probation.

E. That respondent pay restitution to Constance Vernon in the amount of \$135,000, in accordance with a payment schedule furnished by the probation officer, with credit for \$10,000 previously paid to the victim. Restitution is to be paid first prior to any other monies owed.

F. That respondent comply with further conditions of probation as listed in the Order of Probation, a copy of which is attached hereto and incorporated herein as Exhibit D.

9. Count I in Case No. CR98-3211 was nolle prosequi by the State on March 15, 1999. Copies of respondent's sentencing documents are attached hereto and incorporated herein as Exhibit E.

10. Pursuant to R. Regulating Fla. Bar 3-7.2(e), the

respondent shall stand suspended from the practice of law on the eleventh day following the filing of this notice absent a timely petition to terminate or modify said suspension.

WHEREFORE, The Florida Bar respectfully requests this Honorable Court to enter an appropriate order of suspension against the respondent unless a timely petition to terminate or modify the suspension is filed.

Respectfully submitted,

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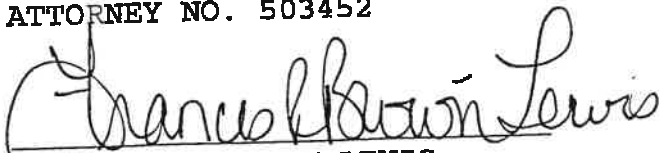
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ATTORNEY NO. 503452

BY:


FRANCES R. BROWN-LEWIS
Bar Counsel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Notice of Determination or Judgment of Guilt has been served by regular U.S. Mail to the Clerk of the Court, The Supreme Court of Florida, Supreme Court Building, 500 S. Duval Street, Tallahassee, Florida, 32399-1927; a copy of the foregoing has been forwarded by regular U.S. Mail to the respondent, Roy Edward Leinster, #98041108, Orange County Jail, Post Office Box 4970, Genesis Building B-95, Orlando, Florida, 32802; and a copy has been furnished to Staff Counsel, The Florida Bar, 650 Apalachee Parkway, Tallahassee, Florida, 32399-2300 this 7th day of April, 1999.


Frances R. Brown-Lewis
Bar Counsel