

DISTRICT OF COLUMBIA COURT OF APPEALS

In re Justin Alan Torres

No. 19-BG-276 · No. 19-BG-276 · Decided December 12, 2019

SUMMARY

The District of Columbia Court of Appeals adopted the Board on Professional Responsibility’s recommendation to disbar Justin Alan Torres after his convictions for multiple felony counts of gross sexual imposition under Ohio law. The court held that the Ohio offense constituted a crime of moral turpitude per se and ordered disbarment nunc pro tunc to June 27, 2019.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Per Curiam; Thompson, Associate Judge; Easterly, Associate Judge; Steadman, Senior Judge
JURISDICTION	District of Columbia
DECIDED	December 12, 2019
DOCKET	19-BG-276
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding reviewing the Board on Professional Responsibility’s recommendation that respondent be disbarred after felony convictions.
STANDARD OF REVIEW	The court reviews the Board’s recommendation deferentially; when no exceptions are filed, the deferential standard becomes even more deferential. The court nevertheless independently explained why the offense constituted moral turpitude per se.
PRECEDENTIAL VALUE	Published opinion; precedential District of Columbia Court of Appeals decision

TOPICS

- appellate procedure
- statutory interpretation
- remedies

PRACTICE AREAS

- legal ethics
- attorney discipline
- professional responsibility

QUESTIONS PRESENTED

1. Whether gross sexual imposition under Ohio Revised Code § 2907.05(A)(1) is a crime of moral turpitude per se under D.C. Code § 11-2503(a).
2. Whether disbarment is the appropriate sanction for an attorney convicted of a crime of moral turpitude per se.

HOLDINGS

1. The offense is a crime of moral turpitude per se because the statute criminalizes sexual contact with a child at least four years younger than the age of consent, an age gap that forecloses a reasonable mistake about the child's ability to consent, and the conduct offends generally accepted moral standards.
2. Disbarment is the appropriate sanction for respondent's conviction of a crime of moral turpitude per se.

KEY QUOTATIONS

“In analyzing whether an offense constitutes a crime of moral turpitude per se we look at the elements of the crime, not the specific facts of the individual case, and consider whether the least culpable offender engaged in a crime of moral turpitude.” (at 3-4)

“We agree with the Board that this age gap forecloses any claims that the offender could reasonably but mistakenly believe the child was old enough to give legal consent.” (at 4)

FACTUAL BACKGROUND

Justin Alan Torres pleaded guilty to multiple felony counts of gross sexual imposition under Ohio Revised Code § 2907.05(A)(1). The statute criminalizes sexual contact with a child under thirteen without requiring proof that the defendant knew the child's exact age. The Board concluded that the offense was a crime of moral turpitude per se and recommended disbarment.

PROCEDURAL HISTORY

After receiving notice of respondent's Ohio felony convictions, the court suspended him and referred the matter to the Board on Professional Responsibility under D.C. Code § 11-2503(a) to determine whether the offense involved moral turpitude. The Board recommended disbarment, concluding that Ohio Revised Code § 2907.05(A)(1) defines a crime of moral turpitude per se. No exceptions were filed to the Board's report, and the court adopted the recommendation, explaining its reasoning because the matter involved a statute not previously addressed by the court and a dissenting Board member.

DISPOSITION

other

CASES CITED

- In re Viehe, 762 A.2d 542, 543 (D.C. 2000)
- In re Lovendusky, D.C. App. No. 84-1672 (D.C. Apr. 4, 1986)

- In re Shorter, 570 A.2d 760, 765 (D.C. 1990)
- In re Rohde, 191 A.3d 1124, 111 (D.C. 2018)
- In re Sharp, 672 A.2d 899 (D.C. 1996)
- In re Colson, 412 A.2d 1160, 1165, 1168 (D.C. 1979) (en banc)
- In re Goldsborough, 654 A.2d 1285, 1287 (D.C. 1995)

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