

SUPREME COURT OF OKLAHOMA

State ex rel. Oklahoma Bar Association v. Ezell

2019 OK 71 (Okla. 2019) · No. SCBD-6847 · Decided November 4, 2019

SUMMARY

The Oklahoma Supreme Court immediately suspended Julia Marie Ezell from practicing law after receiving certified records of her guilty pleas to misdemeanor offenses involving computer use and false reporting. The order established deadlines for Ezell to show cause regarding the interim suspension and to respond concerning final discipline.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Chief Justice Gurich; Vice Chief Justice Darby; Justice Kauger; Justice Winchester; Justice Edmondson; Justice Colbert; Justice Combs; Justice Kane
JURISDICTION	Oklahoma
DECIDED	November 4, 2019
DOCKET	SCBD-6847
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding initiated after the Oklahoma Bar Association submitted certified copies of the respondent lawyer's guilty plea and deferred judgment in a criminal case; the Supreme Court entered an immediate interim suspension and directed the respondent to show cause.
PRECEDENTIAL VALUE	Published in the Oklahoma Bar Journal only and expressly marked not for official publication.

TOPICS

remedies

criminal procedure

PRACTICE AREAS

attorney discipline

legal ethics

criminal procedure

QUESTIONS PRESENTED

1. Whether the certified criminal documents submitted under Rule 7.2 of the Rules Governing Disciplinary Proceedings required the Supreme Court to immediately suspend Ezell from the practice of law under Rule 7.3.
2. What procedures and deadlines governed Ezell's opportunity to seek dissolution of the interim suspension or contest the imposition of final discipline.

HOLDINGS

1. Upon receipt of certified copies of a lawyer's guilty plea, deferred-sentence order, or qualifying information and judgment and sentence, the Supreme Court must immediately suspend the lawyer from the practice of law until further order.
2. A certified copy of a guilty plea, deferred-judgment order, or information and judgment and sentence constitutes the disciplinary charge, is conclusive evidence of commission of the underlying crime, and suffices as a basis for discipline under the disciplinary rules.

KEY QUOTATIONS

"Upon receipt of the certified copies of Judgment and Sentence on a plea of guilty, order deferring judgment and sentence, indictment or information and the judgment and sentence, the Supreme Court shall by order immediately suspend the lawyer from the practice of law until further order of the Court." (§12)

"shall constitute the charge and be conclusive evidence of the commission of the crime upon which the judgment and sentence is based and shall suffice as the basis for discipline in accordance with these rules." (§13)

FACTUAL BACKGROUND

On October 16, 2019, Julia Marie Ezell pleaded guilty to misdemeanor counts of using a computer to violate Oklahoma statutes and making false reports of a crime. The Oklahoma County District Court imposed concurrent five-year deferred sentences and required \$21,810 in restitution, which was paid in full upfront. The Oklahoma Bar Association submitted certified copies of the criminal case documents to the Supreme Court of Oklahoma.

PROCEDURAL HISTORY

Julia Marie Ezell pleaded guilty in the Oklahoma County District Court to misdemeanor computer-use and false-reporting offenses. The district court imposed concurrent five-year deferred sentences and ordered \$21,810 in restitution, paid in full upfront. The Oklahoma Bar Association then forwarded certified copies of the criminal documents to the Supreme Court of Oklahoma under Rules 7.1 and 7.2 of the Rules Governing Disciplinary Proceedings.

DISPOSITION

other

OPINION

PER CURIAM.

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OKLAHOMA BAR ASSOCIATION v. EZELL2019 OK 71Case Number: SCBD-6847Decided: 11/04/2019THE SUPREME COURT OF THE STATE OF OKLAHOMA Cite as: 2019 OK 71, __ P.3d __ FOR PUBLICATION IN OBJ ONLY. NOT FOR OFFICIAL PUBLICATION. State of Oklahoma ex rel. Oklahoma Bar Association, Complainant, v. JULIA MARIE EZELL, Respondent. ORDER OF IMMEDIATE INTERIM SUSPENSION ¶1 The Oklahoma Bar Association (OBA), in compliance with Rules 7.1 and 7.2 of the Rules Governing Disciplinary Proceedings (RGDP), has forwarded to this Court certified copies of the Information and Judgment and Sentence on a plea of guilty, in the matter of State of Oklahoma v. Julia Marie Ezell, CF-2018-3403, in Oklahoma County.

On October 16, 2019, Julia Marie Ezell pled guilty to misdemeanor counts of 1) Use of a Computer to Violate Oklahoma Statutes in violation of 21 O.S.2011, § 1958, and 2) False Reports of a Crime in violation of 21 O.S.2011, § 589.

On October 16, 2019, the Court entered a 5 year deferred sentence on the first misdemeanor count, with restitution of \$21,810 paid in full upfront, and a 5 year deferred sentence on the second misdemeanor count, with both counts to run concurrently until October 15, 2024. ¶2 Rule 7.3 of the RGDP provides: "Upon receipt of the certified copies of Judgment and Sentence on a plea of guilty, order deferring judgment and sentence, indictment or information and the judgment and sentence, the Supreme Court shall by order immediately suspend the lawyer from the practice of law until further order of the Court."

Having received certified copies of these papers and orders, this Court orders that Julia Marie Ezell is immediately suspended from the practice of law. Julia Marie Ezell is directed to show cause, if any, no later than November 19, 2019, why this order of interim suspension should be set aside. See RGDP Rule 7.3.

The OBA has until December 5, 2019, to respond. ¶3 Rule 7.2 of the RGDP provides that a certified copy of a plea of guilty, an order deferring judgment and sentence, or information and judgment and sentence of conviction "shall constitute the charge and be conclusive evidence of the commission of the crime upon which the judgment and sentence is based and shall suffice as the basis for discipline in accordance with these rules."

Pursuant to Rule 7.4 of the RGDP, Julia Marie Ezell has until December 20, 2019, to show cause in writing why a final order of discipline should not be imposed, to request a hearing, or to file a brief and any evidence tending to mitigate the severity of discipline.

The OBA has until January 6, 2020, to respond. ¶4 DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE on November 4, 2019. /S/CHIEF JUSTICE Gurich, C.J., Darby, V.C.J., Kauger, Winchester, Edmondson, Colbert, Combs and Kane, JJ., concur. Citationizer© Summary of Documents Citing This Document Cite Name Level None Found. Citationizer: Table of Authority Cite Name Level Title 21.

Crimes and Punishments CiteNameLevel 21 O.S. 589, False Reports of Crime - PenaltyCited 21 O.S. 1958, Using Access to Computers to Violate Oklahoma Statues - PenaltyCited oscn EMAIL: webmaster@oscn.net Oklahoma Judicial Center 2100 N Lincoln Blvd. Oklahoma City, OK 73105 courts Supreme Court of Oklahoma Court of Criminal Appeals Court of Civil Appeals District Courts decisions New Decisions Supreme Court of Oklahoma Court of Criminal Appeals Court of Civil Appeals programs The Sovereignty Symposium Alternative Dispute Resolution Early Settlement Mediation Children's Court Improvement Program (CIP) Judicial Nominating Commission Certified Courtroom Interpreters Certified Shorthand Reporters Accessibility ADA Contact Us Careers Accessibility ADA