

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

FILED  
THOMAS D. HALL  
2012 JUL 11 AM 10:24  
CLERK, SUPREME COURT  
BY \_\_\_\_\_

THE FLORIDA BAR,

Complainant,

v.

Case No. SC12-518  
TFB File No. 2011-00,939(2B)

ROBERT T. CARTER,

Respondent.

**REPORT OF THE REFEREE ACCEPTING CONSENT JUDGMENT**

I. SUMMARY OF PROCEEDINGS

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Rule 3-7.6, Rules of Discipline, the following proceedings occurred:

On March 15, 2012, The Florida Bar filed its Complaint against Respondent as well as its Request for Admissions in these proceedings. A Case Management Conference was held on April 27, 2012, where the final hearing was scheduled for June 22, 2012. All of the aforementioned pleadings, responses thereto, exhibits received in evidence, and this Report constitute the record in this case and are forwarded to the Supreme Court of Florida.

II. FINDINGS OF FACT

A. Jurisdictional Statement. Respondent is, and at all times mentioned during this investigation was, a member of The Florida Bar, subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.

B. Narrative Summary Of Case.

On March 15, 2012, The Florida Bar filed a Notice of Determination of Guilt, based on Respondent's felony conviction in Tennessee. On March 20, 2012, Respondent was emergency suspended by order of the Supreme Court.

The charges in the pending disciplinary case allege that:

1. On or about January 28, 2011, Respondent pled guilty to one count of theft of property valued at more than \$10,000 but less than \$60,000, a Class C Felony, in the Criminal Court of Coffee County, Tennessee.

2. The felony is based on the following facts: Between October 1, 2006 and April 9, 2009, Respondent misappropriated approximately \$59,000 from his former law firm of Henry and McCord, by accepting fees from clients and not reporting them to the firm.

III. RECOMMENDATIONS AS TO GUILT

I recommend that Respondent be found guilty of violating the following Rules Regulating The Florida Bar: 4-8.4(b) (A lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a

lawyer in other respects) and 4-8.4(c) (A lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation).

#### IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

##### 5.1 Failure To Maintain Personal Integrity

5.12 Suspension is appropriate when a lawyer knowingly engages in criminal conduct which is not included within Standard 5.11 and that seriously adversely reflects on the lawyer's fitness to practice.

##### 7.0 Violations Of Other Duties Owed As A Professional

7.2 Suspension is appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.

#### V. CASE LAW

I considered the following case law prior to recommending discipline:

The Florida Bar v. Hochman, 815 So.2d 624 (Fla. 2002) - Attorney was suspended for 3 years after pleading no contest to felony grand theft based on misappropriation of client trust funds. Attorney admitted himself into treatment facility for drug and alcohol addiction and voluntarily informed state bar and clients of misappropriation. The court found that voluntarily taking responsibility and meaningful action to correct misconduct will be favorably recognized and considered in determining appropriate discipline.

The Florida Bar v. Marcus, 616 So.2d 975 (Fla. 1993) - Misappropriation of client funds warrants three-year suspension, followed by three-year period of probation, rather than presumptive sanction of disbarment, in light of mitigating factors of cocaine addiction, successful rehabilitation and full restitution.

The Florida Bar v. Hartman, 519 So.2d 606 (Fla. 1988) - Misuse of client funds without intent, occurring during short period of emotional instability and in part due to drug and alcohol addiction, warrants suspension from practice of law for two years, rather than disbarment.

The Florida Bar v. Travis, 765 So.2d 689 (Fla. 2000)- The Court has held that the misuse of client funds held in trust is one of the most serious offenses a lawyer can commit and that disbarment is presumed to be the appropriate discipline. However, in cases of isolated misappropriation the presumption of disbarment can be rebutted when mitigation such as cooperation, restitution and absence of a past disciplinary record exist.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

I recommend that Respondent be found guilty of misconduct justifying disciplinary measures, and that he be disciplined by: A 3 year suspension and payment of The Florida Bar's costs.

VII. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to Rule 3-7.6(m)(1)(D), I considered the following personal history of Respondent, to wit:

Age: 49

Date admitted to the Bar: December 30, 1991

Prior Discipline: None in Florida

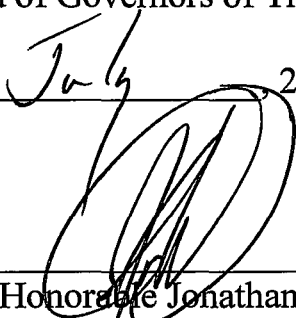
VIII. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

I find the following costs were reasonably incurred by The Florida Bar:

Administrative Costs	\$1,250.00
Investigative Costs and Expenses	<u>\$68.75</u>
TOTAL	\$1,318.75

It is recommended that such costs be charged to Respondent and that interest at the statutory rate shall accrue and that should such cost judgment not be satisfied within thirty days of said judgment becoming final, Respondent shall be deemed delinquent and ineligible to practice law, pursuant to R. Regulating Fla. Bar 1-3.6, unless otherwise deferred by the Board of Governors of The Florida Bar.

Dated this 9<sup>th</sup> day of July, 2012.

  
\_\_\_\_\_  
Honorable Jonathan Eric Sjostrom  
Referee

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Report of Referee has been mailed to The Honorable Thomas D. Hall, Clerk, Supreme Court of Florida, Supreme Court Building, 500 South Duval Street, Tallahassee, Florida 32399-1927, and that copies were furnished by regular U.S. Mail to Respondent, Robert T. Carter, whose record bar address is 109 N.W. Atlantic Street, Tullahoma, TN 37388; and Post Office Box 790 Tullahoma, TN 37388 and Kenneth Lawrence Marvin, Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300 and Ms. Allison Carden Sackett, Bar Counsel, The Florida Bar, Tallahassee Branch Office, 651 East Jefferson Street, Tallahassee, Florida 32399-2300 on this 9<sup>th</sup> day of July, 2012.

  
\_\_\_\_\_  
Honorable Jonathan Eric Sjostrom

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,

Complainant,

Case No. SC12-518

v.

TFB File No. 2011-00,939 (2B)

ROBERT T CARTER,

Respondent.

**CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT**

Robert T Carter, Respondent, having been fully advised of his procedural rights under the Rules Regulating The Florida Bar, hereby tenders this Conditional Guilty Plea for Consent Judgment pursuant to Rule 3-5.1(j) and 3-7.9(a), Rules of Discipline, and says:

1. Respondent is and was at all times material herein a member of The Florida Bar and subject to the jurisdiction and disciplinary rules of the Supreme Court of Florida.
2. Respondent is currently the subject of the above referenced Florida Bar disciplinary matter which has been assigned The Florida Bar File No. 2011-00,939(2B).
3. On March 15, 2012, The Florida Bar filed a Notice of Determination of Guilt, based on Respondent's felony conviction in Tennessee.

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BY

4. On March 20, 2012, Respondent was emergency suspended by order of the Supreme Court.

5. The charges in the pending disciplinary case allege that:

A. On or about January 28, 2011, Respondent pled guilty to one count of theft of property valued at more than \$10,000 but less than \$60,000, a Class C Felony, in the Criminal Court of Coffee County, Tennessee.

B. The felony is based on the following facts: Between October 1, 2006 and April 9, 2009, Respondent misappropriated approximately \$59,000 from his former law firm of Henry and McCord, by accepting fees from clients and not reporting them to the firm.

6. Respondent admits that the foregoing allegations would constitute a violation of the following Rules Regulating The Florida Bar: 4-8.4(b) (A lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects) and 4-8.4(c) (A lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation).

7. Pursuant to Rule 3-5.1(j) of the Rules Regulating The Florida Bar, Respondent hereby tenders a Consent Judgment wherein Respondent agrees to the following discipline:

A. 3 year suspension and

B. Payment of The Florida Bar's costs.

8. Respondent agrees to pay all costs reasonably incurred by The Florida Bar within thirty (30) days of the entry of the Supreme Court's final order, plus interest at the prevailing statutory rate to accrue on all costs not paid within said time. Respondent shall be deemed delinquent and ineligible to practice law pursuant to R. Regulating Fla. Bar 1.36 if the cost judgment is not satisfied within 30 days of the final court order, unless deferred by the Board of Governors of The Florida Bar.

9. Respondent agrees that the costs indicated below have been incurred.

Administrative Fee, pursuant to Rule 3-7.6(q)(I)	\$1,250.00
Investigative Costs	\$68.75

<b>TOTAL</b>	<b>\$1,318.75</b>
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10. Respondent agrees that he will not attempt to discharge the obligation for the payment of the Bar's costs in any future proceedings, including but not limited to, a Petition for Bankruptcy.

11. The respondent acknowledges the obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement, and is also evidence of good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this proceeding or restitution will reflect adversely on any reinstatement proceedings or any other bar disciplinary matter in which the respondent is involved.

12. If this plea is not finally approved by the referee and the Supreme Court



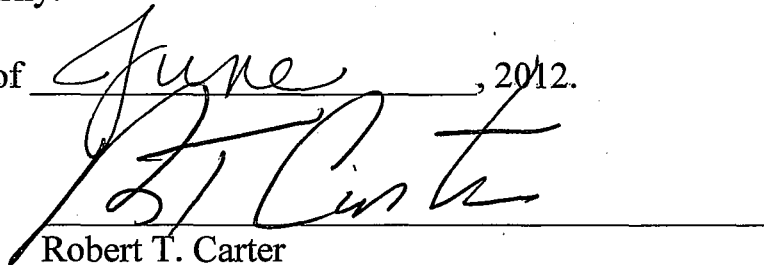
of Florida, then it shall be of no effect and may not be used by the parties in any way.

13. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of The Rules Regulating The Florida Bar.

14. The Florida Bar has approved this proposed plea in the manner required by Rule 3-7.9.

15. Respondent is not represented by counsel in these proceedings and tenders this document freely and voluntarily.

Dated this 25<sup>th</sup> day of June, 2012.



Robert T. Carter  
109 NW Atlantic Street  
Tallahoma, TN 37388  
(931) 455-5407  
Florida Bar No. 914037

Approved by:



Allison Carden Sackett, Bar Counsel  
Tallahassee Branch Office  
The Florida Bar  
651 East Jefferson Street  
Tallahassee, Florida 32399-2300  
(850) 561-5845  
Florida Bar No.: 582700

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

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CLERK, SUPREME COURT  
BY

THE FLORIDA BAR,

Complainant,

SC File No.: SC12-518

v.

TFB File No. 2011-00,939 (2B)

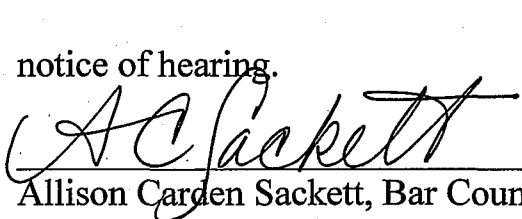
ROBERT T CARTER,

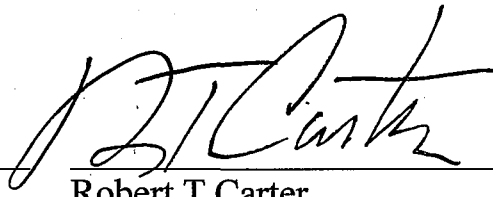
Respondent.

**STIPULATION FOR ENTRY OF CONSENT JUDGMENT**

The Florida Bar and the Respondent, Robert T Carter, hereby stipulate to the entry of a Consent Judgment and the Report of Referee in the above-referenced case based upon the Conditional Guilty Plea and Consent Judgment entered into by the parties.

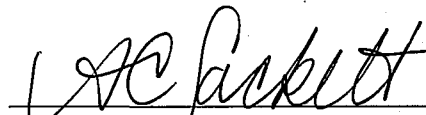
The parties further stipulate to the entry of the Consent Judgment and the Report of Referee and the imposition of the referenced discipline without further notice of hearing.

  
Allison Carden Sackett, Bar Counsel  
The Florida Bar  
Tallahassee Branch Office  
651 East Jefferson Street  
Tallahassee, Florida 32399-2300  
Florida Bar No. 582700

  
Robert T Carter  
109 NW Atlantic Street  
Tallahassee, TN 37388  
Florida Bar No. 914037

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original of the foregoing Stipulation for Entry of Consent Judgment has been furnished by regular U.S. mail to Honorable Jonathan Eric Sjostrom, Leon County Courthouse, Guy A. Race Judicial Complex, 24 North Adams Street, Quincy, FL 32351 and to Respondent, Robert T. Carter, whose record bar address is 109 NW Atlantic Street, Tullahoma, TN 37388 and P.O. Box 790, Tullahoma TN 37388 on this 25<sup>th</sup> day of June, 2012.

  
Allison Carden Sackett, Bar Counsel

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

THE FLORIDA BAR,

Complainant,

Case No. SC12-518

v.

TFB File No. 2011-00,939(2B)

ROBERT T. CARTER,

Respondent.

**REQUEST FOR PAYMENT OF DISCIPLINARY COSTS**

COMES NOW, The Florida Bar, and files this, its request for payment of disciplinary costs incurred in prosecuting this matter against Respondent and, as grounds therefore, would show:

1. Pursuant to Rule 3-7.6(q)(3), Rules Regulating The Florida Bar, when the Bar is successful, in whole or in part, the Referee may assess the Bar's costs against the Respondent unless it is shown that the costs of the Bar were unnecessary, excessive, or improperly authenticated.
2. The Referee has recommended Respondent be found guilty of engaging in professional misconduct.
3. The Bar is filing this request for payment of the disciplinary costs incurred in prosecuting Respondent, and has attached hereto, and incorporated

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BY \_\_\_\_\_

herein, its Statement of Costs as proper authentication of the costs as required by Rule 3-7.6(q)(5).

WHEREFORE, The Florida Bar respectfully requests that the Referee recommend payment of the Bar's costs as set forth in the Statement of Costs.

Respectfully submitted,



Allison Carden Sackett, Bar Counsel  
The Florida Bar  
Tallahassee Branch Office  
651 East Jefferson Street  
Tallahassee, Florida 32399-2300  
(850) 561-5845  
Florida Bar No. 582700

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original Request for Payment of Disciplinary Costs regarding Supreme Court Case No. SC12-518, TFB File No. 2011-00,939(2B), has been furnished by United States Mail to Jonathan Eric Sjostrom; Guy A. Race Judicial Complex, 24 North Adams Street, Quincy, FL 32351; and a true and correct copy has been furnished by regular U.S. mail to Robert T. Carter, 109 NW Atlantic Street, Tullahoma, TN 37388, and to Staff Counsel, The Florida Bar Legal Division, 651 E Jefferson Street, Tallahassee, Florida 32399-2300, on this 25<sup>th</sup> of June, 2012.



Allison Carden Sackett, Bar Counsel

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

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CLERK SUPREME COURT  
BY \_\_\_\_\_

THE FLORIDA BAR,

Complainant,

Case No. SC12-518

v.

TFB No. 2011-00,939 (2B)

ROBERT T CARTER,

Respondent.

**STATEMENT OF COSTS**

COMES NOW The Florida Bar and files this Statement of Costs pursuant to  
Rule 3-7.6(q) of The Rules Regulating The Florida Bar:

Administrative Costs	\$1,250.00
Investigative Costs	<u>\$68.75</u>
<b>TOTAL</b>	<b>\$1,318.75</b>

Respectfully submitted,



Allison Carden Sackett, Bar Counsel  
The Florida Bar  
Tallahassee Branch Office  
651 East Jefferson Street  
Tallahassee, Florida 32399-2300  
(850) 561-5845  
Florida Bar No. 582700

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original of the foregoing Statement of Costs has been furnished by First Class mail to The Honorable Jonathan Eric Sjostrom, Guy A. Race Judicial Complex, 24 North Adams Street, Quincy, FL 32351; a copy has been furnished by First Class mail to Mr. Robert T. Carter, whose record bar address is 109 NW Atlantic Street, Tullahoma, TN 37388 and Post Office Box 790 Tullahoma, TN 37388; and a copy has been furnished to Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida, 32399-2300, this 25<sup>th</sup> day of June, 2012.

  
\_\_\_\_\_  
Allison Carden Sackett, Bar Counsel

## Office of Circuit Judge

JONATHAN SJOSTROM  
*Circuit Judge*  
*Second Judicial Circuit*



Lorraine Gauss, Judicial Assistant  
Guy A. Race Judicial Complex  
24 N. Adams Street  
Quincy, FL 32351  
(850) 875-3626; FAX (850) 627-5323

July 9, 2012

Honorable Thomas D. Hall, Clerk  
The Supreme Court of Florida  
500 South Duval Street  
Tallahassee, FL 32399-1927

**Re: Robert T. Carter; Supreme Court Case No.: SC12-518**  
**The Florida Bar File No.: 2011-00,939(2B)**

Dear Mr. Hall:

Enclosed please find the original Report of Referee together with the following documents:

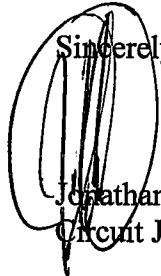
1. The Florida Bar Notice of Determination of Guilt dated 15, 2012.
2. The Florida Bar Possible Venue filed March 16, 2012.
3. Supreme Court of Florida Order Assigning Case Number SC12-518.
4. Supreme Court of Florida Order to Appoint Referee dated March 20, 2012.
5. Circuit Court's Assignment Order Appointing the Honorable Jonathan Sjostrom as Referee dated 27, 2012.
6. The Florida Bar Notice of Telephonic Case Management Hearing dated April 9, 2012.
7. The Florida Bar Notice of Sanction Hearing dated May 10, 2012.
8. Referee's Order on Case Management Conference dated May 012.
9. Conditional Guilty Plea for Consent Judgment dated June 25, 2012.
10. Stipulation for Entry of Consent Judgment dated June 256, 2012.
11. The Florida Bar Request for Payment of Disciplinary Costs dated June 25, 2012.
12. The Florida Bar Statement of Costs dated June 25, 2012.

FILED  
THOMAS D. HALL  
2012 JUL 11 AM 10:24  
CLERK, SUPREME COURT  
BY \_\_\_\_\_



**Supreme Court Case  
No.: SC12-518**

13. Report of the Referee Accepting Consent Judgment dated July 9, 2012.
14. Certification of Record and Index dated July 9, 2012.

Sincerely,  
  
Jonathan Sjostrom  
Circuit Judge

Enclosures

**Copies furnished to:**

Allison C. Sackett, Bar Counsel, The Florida Bar  
Robert T. Carter, Respondent

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

Case No. SC12-518

TFB File No. 2011-00,939(2B)

ROBERT T. CARTER,

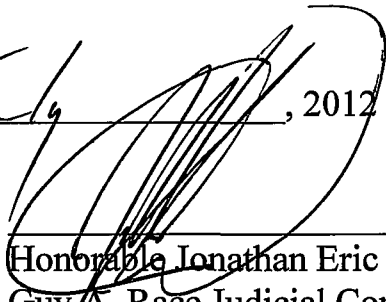
Respondent.

\_\_\_\_\_ /

**CERTIFICATION OF RECORD & INDEX**

**I HEREBY CERTIFY** the above record and index are complete pursuant to R.  
Regulating Fla. Bar 3-7.6(n)(3).

Dated this 9<sup>th</sup> day of July, 2012

  
\_\_\_\_\_  
Honorable Jonathan Eric Sjostrom  
Guy A. Race Judicial Complex  
24 North Adams Street  
Quincy, FL 32351

Original to Supreme Court with Referee's Original File.

Copies of this Certification of Index only to:  
Allison Carden Sackett, Bar Counsel  
Robert T. Carter, Respondent  
Kenneth Lawrence Marvin, Staff Counsel

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THOMAS D. HALL  
2012 JUL 11 AM 10:24  
CLERK, SUPREME COURT  
BY \_\_\_\_\_

THE SUPREME COURT OF FLORIDA  
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THE FLORIDA BAR,

Complainant,

v.

Case No. SC12-518

TFB File No. 2011-00,939 (02B)

ROBERT T CARTER,

Respondent.

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**INDEX TO PLEADINGS**

1. The Florida Bar Notice of Determination of Guilt dated 15, 2012.
2. The Florida Bar Possible Venue filed March 16, 2012.
3. Supreme Court of Florida Order Assigning Case Number SC12-518.
4. Supreme Court of Florida Order to Appoint Referee dated March 20, 2012.
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## Office of Circuit Judge

JONATHAN SJOSTROM  
*Circuit Judge*  
*Second Judicial Circuit*



Lorraine Gauss, Judicial Assistant  
Guy A. Race Judicial Complex  
24 N. Adams Street  
Quincy, FL 32351  
(850) 875-3626; FAX (850) 627-5323

July 9, 2012

Honorable Thomas D. Hall, Clerk  
The Supreme Court of Florida  
500 South Duval Street  
Tallahassee, FL 32399-1927

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CLERK, SUPREME COURT  
BY \_\_\_\_\_

**Re: Robert T. Carter; Supreme Court Case No.: SC12-518**  
**The Florida Bar File No.: 2011-00,939(2B)**

Dear Mr. Hall:

Enclosed please find the original record along with the Report of Referee dated July 9, 2012 which was also e-filed to [e-file@flcourts.org](mailto:e-file@flcourts.org) in Microsoft Word format.

Sincerely,

Jonathan Sjostrom  
Circuit Judge

Enclosures

**Copies furnished to:**  
Allison C. Sackett, Bar Counsel, The Florida Bar  
Robert T. Carter, Respondent

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IN THE SUPREME COURT OF FLORIDA  
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THE FLORIDA BAR,  
Complainant,  
v.

Case No. SC12-518  
TFB File No. 2011-00,939 (2B)

ROBERT T. CARTER,  
Respondent.  
\_\_\_\_\_ /

**ORDER ON CASE MANAGEMENT CONFERENCE**

This cause having been before the Court on a case management conference scheduled for April 27, 2012, at 3:00 p.m., the parties having appeared by phone, and the Court being fully advised in the premises FINDS as follows:

The parties reported their status and are attempting to reach a consent judgment.

Based on the foregoing, it is ORDERED and ADJUDGED that:

1. This matter is scheduled for a final discipline hearing on June 22, 2012, at 1:00 p.m.
2. Bar Counsel shall prepare the Notice of Hearing.

DONE and ORDERED in Chambers in Quincy, Florida, this 11<sup>th</sup> day  
of July, 2012.

  
\_\_\_\_\_  
Honorable Jonathan Eric Sjostrom, Referee

Copies provided to:  
Robert T. Carter  
Allison Carden Sackett, Bar Counsel  
Kenneth Lawrence Marvin, Staff Counsel

IN THE SUPREME COURT OF FLORIDA  
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THE FLORIDA BAR,

Complainant,

Case No. SC12-518

v.

TFB Case No. 2011-00,939 (2B)

ROBERT T CARTER,

Respondent.

NOTICE OF SANCTION HEARING

TO: Mr. Robert T Carter  
109 NW Atlantic Street  
Tullahoma, TN 37388

Post Office Box 790  
Tullahoma, TN 37388

DATE: June 22, 2012

PLACE: Guy A. Race Judicial Complex  
Quincy, FL

TIME: 1:00 p.m.

YOU WILL PLEASE TAKE NOTICE that the above-styled matter will come on for hearing before the Honorable Jonathan Eric Sjostrom, duly appointed Referee, at the time and place above-mentioned for the purpose of:



Allison Carden Sackett, Bar Counsel  
The Florida Bar  
651 East Jefferson Street  
Tallahassee, Florida 32399-2300  
(850) 561-5845  
Florida Bar No. 582700

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Notice of Hearing was furnished by First Class mail to Jonathan Eric Sjostrom, Referee, at Guy A Race Judicial Complex, 24 North Adams Street, Quincy, FL 32351; a copy has been furnished by First Class Mail, to Respondent, Robert T Carter, whose record bar address is 109 NW Atlantic Street, Tullahoma, TN 37388, and a copy was sent to Post Office Box 790, Tullahoma, TN 37388, and a copy has been furnished to Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300, this 10th day of May, 2012.

  
Allison Carden Sackett, Bar Counsel

cc: Court Reporter

*If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact BCName3, Bar Counsel, at (850) 561-5845 at least 7 days before your scheduled appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711.*

IN THE SUPREME COURT OF FLORIDA  
(Before a Referee)

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THE FLORIDA BAR,

Complainant,

Case No. SC12-518

v.

TFB Case No. 2011-00,939 (2B)

ROBERT T CARTER,

Respondent.

**NOTICE OF TELEPHONIC CASE MANAGEMENT HEARING**

To: Robert T Carter  
Post Office Box 790  
Tullahoma, TN 37388

109 NW Atlantic Street  
Tullahoma, TN 37388

PLEASE TAKE NOTICE that a telephonic status conference in the above-styled cause has been scheduled before The Honorable Jonathan Sjostrom, Referee, on Friday, April 27, 2012, beginning at 3:00, via conference call to Judge Sjostrom's Chambers. Bar counsel shall initiate the call. 15 minutes have been reserved.

  
Allison Carden Sackett, Bar Counsel  
The Florida Bar  
Tallahassee Branch Office  
651 East Jefferson Street  
Tallahassee, Florida 32399-2300  
(850) 561-5845  
Florida Bar No. 582700

4-9-12



## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original of the foregoing Notice of Telephonic Case Management Conference Hearing was furnished by First Class mail to The Honorable Jonathan Eric Sjostrom, Referee, Guy A. Race Judicial Complex, 24 North Adams Street, Quincy, FL 32351; a copy was furnished by First Class mail to Robert T. Carter, Post Office Box 790, Tullahoma, TN 37388 as well as 109 NW Atlantic Street, Tullahoma, TN 37388, and a copy was furnished to Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, FL 32399-2300, this 9<sup>th</sup> day of April, 2012.

  
Allison Carden Sackett

*If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Allison Carden Sackett, Bar Counsel, at (850) 561-5845 at least 7 days before your scheduled appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711.*

IN THE CIRCUIT COURT, SECOND JUDICIAL CIRCUIT  
IN AND FOR LEON COUNTY, FLORIDA

**ASSIGNMENT ORDER NO. FB 2012-4**

**WHEREAS** the Chief Justice of the Supreme Court of Florida has designated the undersigned Chief Judge of the Second Judicial Circuit of Florida to appoint a referee for the Court to preside in a disciplinary action brought by The Florida Bar pursuant to the Rules Regulating the Florida Bar,

**IT IS ORDERED** the Honorable Jonathan Sjostrom, Circuit Judge, in and for the Second Judicial Circuit, State of Florida, is hereby designated and appointed as referee for the Florida Supreme Court, in the matter of:

The Florida Bar vs Robert T. Carter  
Supreme Court Case No. SC12-518

The Honorable Jonathan Sjostrom, as referee is hereby vested with all and singular the powers and prerogatives conferred by the Constitution, laws of the State of Florida, and the Rules Regulating the Florida Bar, concerning a referee for the Supreme Court of Florida in this matter.

Online resources are available for judges serving as referees in proceedings involving disciplinary action against attorneys, and the unlicensed practice of law. The resources offered at [http://www.flcourts.org/gen\\_public/courted/bar-referee.shtml](http://www.flcourts.org/gen_public/courted/bar-referee.shtml) provide detailed information on the role of a Bar Referee in each of these proceedings and should be reviewed prior to handling this case.

**DONE AND ORDERED** in Chambers, this 27<sup>th</sup> day of March 2012.

  
CHARLES A. FRANCIS  
CHIEF JUDGE

Copies provided to:  
Honorable Jonathan Sjostrom, Referee  
Honorable Thomas D. Hall, Clerk, Supreme Court of Florida  
Allison Carden Sackett, Bar Counsel  
Kenneth Lawrence Marvin, Staff Counsel  
Robert T. Carter, Respondent/Counsel for Respondent

Please Note: Judge Sjostrom's address is The Guy A. Race Judicial Complex, 13 North Monroe Street, Quincy, Florida 32351

3-27-12

FILED  
THOMAS D. HALL  
2012 JUL 11 AM 10:24  
CLERK, SUPREME COURT  
BY

# Supreme Court of Florida

FILED  
THOMAS D. HALL  
2012 JUL 11 AM 10:24  
CLERK, SUPREME COURT  
BY

WHEREAS, it officially has been made known to me that it is necessary to appoint a referee for the Court pursuant to rule 3-7.2(h)(2), Rules Regulating the Florida Bar, to preside in a disciplinary action brought by The Florida Bar pursuant to Chapter 3 of the Rules Regulating the Florida Bar in the matter of:

The Florida Bar vs. Robert T. Carter,  
Supreme Court Case No. SC12-518

NOW, THEREFORE, I, Charles T. Canady, under authority vested in me as Chief Justice of the Supreme Court of Florida, do hereby designate the Honorable Charles A. Francis, Chief Judge of the Second Judicial Circuit Court of Florida, to appoint a referee for the Court in the above matter and, within fourteen days of this order, to notify the Clerk of the Florida Supreme Court and the parties as to the judge appointed as referee. The referee shall hear argument concerning the appropriate sanction to be imposed and file a report and recommendation with the Supreme Court of Florida as provided in rule 3-7.2(h)(2). Pursuant to rule 3-7.6(m)(1), any order by the referee regarding the imposition of sanctions shall be merely a recommendation to this Court. Such an order shall not dispose of the proceedings. This Court shall review and, if appropriate, approve the referee's recommended sanction.

3-20-12

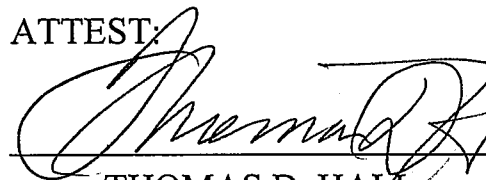
The referee's report shall be filed within ninety days of his or her appointment.

DONE AND ORDERED at Tallahassee, Florida, on March 20, 2012.

  
CHIEF JUSTICE

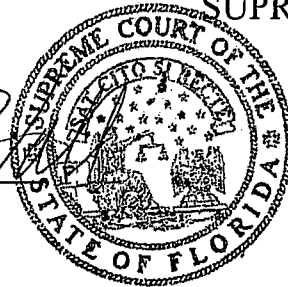
SUPREME COURT OF FLORIDA

ATTEST:



THOMAS D. HALL

CLERK, SUPREME COURT



Enclosed: Notice of Determination or Judgment of Guilt, and Order dated March 20, 2012.

# Supreme Court of Florida

TUESDAY, MARCH 20, 2012

CASE NO.: SC12-518

Lower Tribunal No(s): 2011-00,939(2B)

THE FLORIDA BAR

vs. ROBERT T. CARTER

Complainant(s)

Respondent(s)

The Florida Bar having filed on March 16, 2012, Notice of Determination of Guilt, it is ordered that Robert T. Carter is suspended from The Florida Bar pursuant to 3-7.2(f) of the Rules Regulating the Florida Bar, and it is further

ORDERED that this suspension shall be effective thirty days from the date of this order so that respondent can close out his practice and protect the interests of existing clients. If respondent notifies this Court in writing that he is no longer practicing and does not need the thirty days to protect existing clients, this Court will enter an order making the suspension effective immediately. Respondent shall fully comply with Rule Regulating the Florida Bar 3-5.1(g). In addition, respondent shall accept no new business from the date this order is filed until he is reinstated.

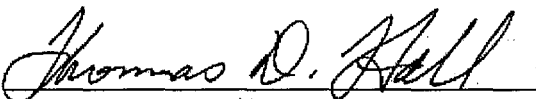
The above matter has been referred to the Chief Judge of the Second Judicial Circuit for the appointment of a referee pursuant to rule 3-7.2(h).

See Rule 3-5.1(g) of the Rules Regulating The Florida Bar.

Not final until times expires to file motion for rehearing, and if filed, determined. The filing of a motion for rehearing shall not alter the effective date of this suspension.

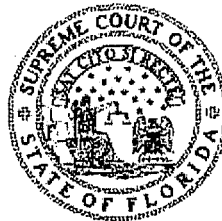
A True Copy

Test:



Thomas D. Hall

Clerk, Supreme Court



dd

Served:

KENNETH LAWRENCE MARVIN

HON. CHARLES A. FRANCIS, CHIEF JUDGE

ALLISON CARDEN SACKETT

ROBERT T. CARTER

3-20-12

POSSIBLE VENUE

The Florida Bar v. Robert T Carter

**COPY**

FILED  
THOMAS D. HALL  
2012 MAR 16 AM 9:38  
CLERK SUPREME COURT

The Florida Bar File No. 2011-00,939 (2B)

SC12-518

1. Residence: Tullahoma, Tennessee
2. Offense: Tullahoma, Tennessee
3. Office: Tullahoma, Tennessee

OTHER PENDING COMPLAINTS AT SUPREME COURT

(IF NONE, PLEASE INDICATE BY WRITING NONE)

CASE NUMBER

FILE NUMBER

REFEREE

None

ESTIMATED TRIAL TIME: 2 hours

**COPY**

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

ROBERT T CARTER

Respondent.

---

Case No.

SC12-518

TFB File No. 2011-00,939(2B)

BY \_\_\_\_\_

FILED  
THOMAS D. HALL  
2012 MAR 16 AM 9:38  
CLERK SUPREME COURT

**NOTICE OF DETERMINATION OF GUILT**

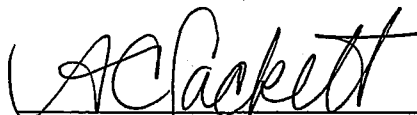
COMES NOW, The Florida Bar, and files this Notice of Determination of Guilt, pursuant to Rule 3-7.2(f), Rules of Discipline of The Florida Bar and says:

1. Respondent is a member of The Florida Bar, admitted on December 30, 1991.
2. On or about January 28, 2011, respondent pled guilty to one count of theft of property valued at more than \$10,000 but less than \$60,000, a Class C Felony, in the Criminal Court of Coffee County, Tennessee. Copies of the Judgment and Wavier of Trial by Jury and Accepting Plea of Guilty Order are attached hereto as Exhibits A and B, respectively.
3. The felony is based on the following facts: Between October 1, 2006 and April 9, 2009, respondent misappropriated approximately \$59,000 from his former law firm of Henry and McCord, by accepting fees from clients and not reporting them to the firm.

WHEREFORE, The Florida Bar respectfully requests that this Court enter an order:

1. Finding Respondent guilty of violating Rule 4-8.4(b) (A lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects) and Rule 4-8.4(c) (A lawyer shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation) of the Rules Regulating The Florida Bar;
2. Suspending Respondent pursuant to Rule 3-7.2(f), Rules of Discipline of The Florida Bar;
3. Ordering Respondent to furnish a copy of the suspension order to all clients, opposing counsel and courts before which he is counsel of record as required by Rule 3-5.1(g) of the Rules of Discipline of The Florida Bar and to furnish staff counsel with the requisite affidavit listing all clients, counsel and courts so informed within 30 days after receipt of the court's order; and
4. Appointing or directing the appointment of a referee to conduct a hearing on sanctions pursuant to Rule 3-7.2(h), Rules of Discipline of The Florida Bar.

Respectfully submitted



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Allison Carden Sackett, Bar Counsel  
The Florida Bar  
Tallahassee Branch Office



651 East Jefferson Street  
Tallahassee, Florida 32399-2300  
(850) 561-5845  
Florida Bar No. 582700

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Notice of Determination of Guilt regarding TFB File No. 2011-00,939 (2B) has been furnished by U.S. Mail to The Honorable Thomas D. Hall, Clerk, Supreme Court of Florida, 500 South Duval Street, Tallahassee, Florida 32399-1927 a true and correct copy has been furnished by certified mail #7011 0470 0000 8679 9881, return receipt requested, to Robert T. Carter, Respondent, at his record bar address, Robertson, Worsham, Gregory, P.O. Box 790, Tullahoma, TN 37388-0790, and at 211 Fairways Boulevard North, Tullahoma, TN 37388, and a copy has been forwarded to Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, FL 32301 on this 15<sup>th</sup> day of March, 2012.

  
Allison Carden Sackett, Bar Counsel

# IN THE CRIMINAL COURT OF COFFEE COUNTY, TENNESSEE

Case Number: 37376 Count # 1 Attorney for the State: Russell Johnson- DA Pro Tem  
 Judicial District: 14 Judicial Division: \_\_\_\_\_ Counsel for Defendant: William T. Ramsey  
 State of Tennessee ☒ Retained ☐ Appointed ☐ Public Defender  
 vs. ☐ Counsel Waived ☐ Pro Se  
 Defendant: Robert Thomas Carter, Jr. Alias: \_\_\_\_\_  
 Date of Birth: 8/1/1963 Sex: M Race: W SSN: \*\*\*-15-3254  
 Indictment Filing Date: \_\_\_\_\_ TDOC # \_\_\_\_\_ State Control # \_\_\_\_\_  
 State ID # \_\_\_\_\_ County Offender ID # \_\_\_\_\_

## JUDGMENT

☒ Original ☐ Amended ☐ Corrected

Comes the District Attorney General for the State and the defendant with counsel of record for entry of judgment.

On the 28th day of January, 2011, the defendant:

<input checked="" type="checkbox"/> Pled Guilty <input type="checkbox"/> Dismissed/Nolle Prosequi <input type="checkbox"/> Nolo Contendere <input type="checkbox"/> Retired/Unapprehended Defendant <input type="checkbox"/> Guilty Plea - Pursuant to 40-35-313  Is found: <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Jury Verdict <input type="checkbox"/> Not Guilty by Reason of Insanity <input type="checkbox"/> Bench Trial	Indictment: Class (circle one) 1 <sup>st</sup> A B <u>C</u> D E <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Offense: <u>Theft of Property - \$10,000 to \$60,000</u> Amended Charge: _____ Offense Date: <u>2006-JUL-2008</u> County: <u>COFFEE</u> Conviction Offense: <u>Diversion on above charge</u> Is this conviction offense methamphetamine related? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No TCA #: <u>39-14-103</u> Sentence Imposed Date: <u>1/28/2011</u> Conviction: Class (circle one) 1 <sup>st</sup> A B <u>C</u> D E <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
--	---

After considering the evidence, the entire record, & all factors in T.C.A. Title 40 Chapter 35, all of which are incorporated by reference herein, the Court's findings & rulings are:

<b>Sentence Reform Act of 1989</b> Offender Status (Check One) Release Eligibility (Check One) <table style="width: 100%;"> <tr> <td><input type="checkbox"/> Mitigated</td> <td><input type="checkbox"/> Mitigated 20%</td> <td><input type="checkbox"/> Multiple Rapist 100%</td> </tr> <tr> <td><input checked="" type="checkbox"/> Standard</td> <td><input type="checkbox"/> Mitigated 30%</td> <td><input type="checkbox"/> Child Rapist 100%</td> </tr> <tr> <td><input type="checkbox"/> Multiple</td> <td><input checked="" type="checkbox"/> Standard 30%</td> <td><input type="checkbox"/> Repeat Violent 100%</td> </tr> <tr> <td><input type="checkbox"/> Persistent</td> <td><input type="checkbox"/> Multiple 35%</td> <td><input type="checkbox"/> Child Predator 100%</td> </tr> <tr> <td><input type="checkbox"/> Career</td> <td><input type="checkbox"/> Persistent 45%</td> <td><input type="checkbox"/> 1<sup>st</sup> Degree Murder</td> </tr> <tr> <td><input type="checkbox"/> Repeat Violent</td> <td><input type="checkbox"/> Career 60%</td> <td><input type="checkbox"/> Drug Free Zone</td> </tr> <tr> <td></td> <td><input type="checkbox"/> Violent 100%</td> <td><input type="checkbox"/> Gang Related</td> </tr> </table>	<input type="checkbox"/> Mitigated	<input type="checkbox"/> Mitigated 20%	<input type="checkbox"/> Multiple Rapist 100%	<input checked="" type="checkbox"/> Standard	<input type="checkbox"/> Mitigated 30%	<input type="checkbox"/> Child Rapist 100%	<input type="checkbox"/> Multiple	<input checked="" type="checkbox"/> Standard 30%	<input type="checkbox"/> Repeat Violent 100%	<input type="checkbox"/> Persistent	<input type="checkbox"/> Multiple 35%	<input type="checkbox"/> Child Predator 100%	<input type="checkbox"/> Career	<input type="checkbox"/> Persistent 45%	<input type="checkbox"/> 1 <sup>st</sup> Degree Murder	<input type="checkbox"/> Repeat Violent	<input type="checkbox"/> Career 60%	<input type="checkbox"/> Drug Free Zone		<input type="checkbox"/> Violent 100%	<input type="checkbox"/> Gang Related	Concurrent with:  Consecutive to:	Pretrial Jail Credit Period(s): From _____ to _____ From _____ to _____ From _____ to _____ From _____ to _____
<input type="checkbox"/> Mitigated	<input type="checkbox"/> Mitigated 20%	<input type="checkbox"/> Multiple Rapist 100%																					
<input checked="" type="checkbox"/> Standard	<input type="checkbox"/> Mitigated 30%	<input type="checkbox"/> Child Rapist 100%																					
<input type="checkbox"/> Multiple	<input checked="" type="checkbox"/> Standard 30%	<input type="checkbox"/> Repeat Violent 100%																					
<input type="checkbox"/> Persistent	<input type="checkbox"/> Multiple 35%	<input type="checkbox"/> Child Predator 100%																					
<input type="checkbox"/> Career	<input type="checkbox"/> Persistent 45%	<input type="checkbox"/> 1 <sup>st</sup> Degree Murder																					
<input type="checkbox"/> Repeat Violent	<input type="checkbox"/> Career 60%	<input type="checkbox"/> Drug Free Zone																					
	<input type="checkbox"/> Violent 100%	<input type="checkbox"/> Gang Related																					
Sentenced To: <input checked="" type="checkbox"/> TDOC <input type="checkbox"/> County Jail <input type="checkbox"/> Workhouse Sentence Length: <u>6</u> Years <u>0</u> Months <u>0</u> Days <u>0</u> Hours <u>0</u> Weekends <input type="checkbox"/> Life <input type="checkbox"/> Life w/out Parole <input type="checkbox"/> Death Mandatory Minimum Sentence Length: <u>39-17-417, 39-13-513, 39-13-514</u> in Drug Free Zone or <u>55-10-401</u> DUI 4 <sup>th</sup> Offense or <u>39-17-1324</u> Possession/Employment of Firearm Period of incarceration to be served prior to release on probation: _____ Months _____ Days _____ Hours _____ Weekends Minimum service prior to eligibility for work release, furlough, trusty status and rehabilitative programs: _____ % (Misdemeanor Only) Alternative Sentence: <input type="checkbox"/> Probation <input checked="" type="checkbox"/> Diversion <input type="checkbox"/> Drug Court <input type="checkbox"/> Community Based Alternative - Specify _____ <u>6</u> Years <u>0</u> Months <u>0</u> Days Effective: <u>1/28/11</u>																							
Court Ordered Fees and Fines: \$ _____ Court Costs <input checked="" type="checkbox"/> Cost to be Paid by Defendant <input type="checkbox"/> State \$ _____ Fine Assessed \$ _____ Traumatic Brain Injury Fund (Drag Racing) \$ _____ Drug Testing Fund (TN Drug Control Act) \$ _____ CICF \$ _____ Sex Offender Tax \$ _____ Other:	Restitution: Victim Name _____ Address _____ Total Amount \$ _____ Per Month \$ _____ <input type="checkbox"/> Unpaid Community Service: _____ Hours _____ Days _____ Weeks _____ Months																						

☐ The Defendant having been found guilty is rendered infamous and ordered to provide a biological specimen for the purpose of DNA analysis.  
☐ Pursuant to 39-13-521 the defendant is ordered to provide a biological specimen for the purpose of HIV testing.  
☐ Pursuant to 39-13-524 the defendant is sentenced to community supervision for life following sentence expiration.

Special Conditions

Restitution to be determined in civil suit. COMPLY WITH TLAP PROGRAM, GOOD BEHAVIOR AND NO FURTHER CHARGES. JUDICIAL DIVERSION

BART STANLEY Judge's Name [Signature] Judge's Signature 1-28-11 Date of Entry of Judgment  
[Signature] Attorney for State/Signature (optional) [Signature] Defendant's Attorney/Signature (optional)  
 White - Criminal Court Clerk Pink - AOC Goldenrod - Jail

IN THE CRIMINAL COURT FOR COFFEE COUNTY, TENNESSEE

STATE OF TENNESSEE

v.

ROBERT THOMAS CARTER, JR.

No.: 38376

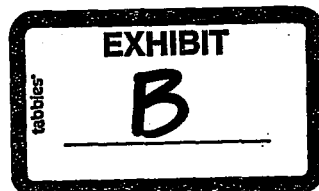
WAIVER OF TRIAL BY JURY AND ACCEPTING PLEA OF GUILTY

ORDER

This cause came on for hearing before the Honorable Bart Stanley (Special Judge) of the Criminal Court of Coffee County, Tennessee, on the Petition of the Defendant, Robert Thomas Carter, Jr, for waiver of trial by jury and request for acceptance of a conditional plea of guilty pursuant to T.C.A. 40-35-313, said Petition being attached hereto and incorporated by reference herein, upon statements made in open court by the Defendant herein, his attorney of record, the District Attorney General representing the State of Tennessee, and from questioning by the Court of Defendant and his counsel in open court; and

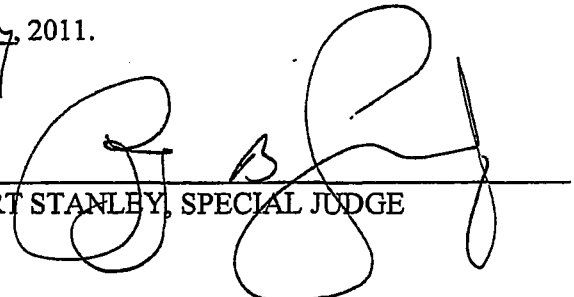
IT APPEARING TO THE COURT after careful consideration, that the defendant herein has been duly advised and understands his right to a trial by jury on the merits of the Indictment against him, and that the Defendant herein does not elect to have a jury determine his guilt or innocence under a plea of NOT GUILTY; and

IT FURTHER APPEARING TO THE COURT that the Defendant voluntarily, intelligently, and knowingly waives his right to a trial by jury of his own free will and choice, without any threats or pressure of any kind or promises, other than the recommendation of the State as to punishment and desires to enter a conditional plea of guilty and accept the recommendation of the State as to punishment.



IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Petition filed herein be, and the same is hereby granted.

Entered this 28 day of January, 2011.



A large, stylized handwritten signature in black ink, appearing to read 'B. Stanley', is written over a horizontal line. The signature is composed of several loops and a long trailing stroke.

BART STANLEY, SPECIAL JUDGE