

# Attorney Discipline Board



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## NOTICE OF SUSPENSION

DP-134/81

DONALD A. TURNER, (P 21629), 24800 Northwestern Hwy, Ste. 200, Southfield, MI, 48075, by the Attorney Discipline Board affirming a hearing panel order.

- (1) Suspension;
- (2) For a period of 121 days;
- (3) Effective August 8, 1983.

The hearing panel reported as follows:

"It was admitted during the proceedings that Respondent...pleaded guilty in the United States District Court...to the federal offense of misprison of a felony under Title 18, United States Code, Section 4, ... This statute states:

'MISPRISION OF FELONY. Whoever having knowledge of the actual commission of a felony cognizable by a Court of United States conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States shall be fined not more than \$500.00 or imprisoned not more than three years or both.'

Any offense punishable by death or imprisonment for a term exceeding one year is a felony. Title 18 U.S.C. 1.

It was stipulated that Respondent's plea of guilty ...was made under the 'Alford' doctrine, so named after North Carolina v Alford, 400 U.S. 25,...(1970). Under Alford the accused may offer a plea of guilty to a charged crime and at the same time deny he is guilty of such crime and claim his innocence; and the Court

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may accept such plea if it finds it is voluntarily and intelligently made. The Court in accepting the plea first reviews the purported evidence against the person in the form of a statement authored and furnished the Court by the United States Attorney. The accused is not a party to the statement..."

The Grievance Administrator appealed to the Board claiming that "The panel erred in excluding evidence...which would have [explained the] conviction...in order to show the underlying facts which formed the basis of the felony conviction." The Grievance Administrator also claimed insufficient discipline. Respondent also petitioned for review seeking reduction of the discipline imposed by the panel. The hearing panel was affirmed by a majority opinion of the Board.

*David Baker Lewis*

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DAVID BAKER LEWIS, Secretary of the  
Attorney Discipline Board

Dated: AUGUST 17, 1983