

Respondent is subject to compulsory discipline and disbarment because he has been convicted of an Intentional Crime: Burglary of a Habitation under Texas Penal Code 30.02(d). *See* Tex. Rules Disciplinary P. R. 8.01. An Intentional Crime includes any Serious Crime that requires proof of knowledge or intent as an essential element. *Id.* R. 1.06(V). In this case, Serious Crime means a felony involving moral turpitude. *Id.* R. 1.06(GG). A felony involving moral turpitude is an offense that involves dishonesty, fraud, deceit, misrepresentation, or deliberate violence, or that reflect adversely on an attorney's honesty, trustworthiness, or fitness as an attorney. *See In re Lock*, 54 S.W.3d 305, 308 (Tex. 2001); *Duncan v. Bd. of Disciplinary Appeals*, 898 S.W.2d 759, 761 (Tex. 1995).

To make its determination in this case, the Board need only consider the elements of Texas Penal Code § 30.02(d), which is listed as the Statue of Offense on Respondent's Judgment of Conviction by Jury. *See* Petition for Compulsory Discipline, Exhibit 2. A violation of § 30.02(d) is a felony that not only requires proof of intent as an essential element, but also involves deceit and reflects adversely on his honesty, trustworthiness, and fitness as an attorney. Therefore, Respondent is subject to compulsory discipline and disbarment.

A. PROOF OF INTENT

Respondent's crime, Burglary of a Habitation, requires that a person enter another's home without their consent with the intent to commit a felony other than theft. *See* Tex. Penal Code 30.02(a) and (d). Thus, establishing a violation of Section 30.02(d), under any set of facts, requires proof of intent: both to enter another's home and to commit a felony. Respondent's crime therefore satisfies the proof-of-intent requirement to find an Intentional Crime imposed by Tex. Rules Disciplinary P. R. 1.06(V).

B. FELONY INVOLVING MORAL TURPITUDE

Burglary of a Habitation is a first-degree felony, *see* Tex. Penal Code 30.02(d), that involves moral turpitude. Regardless of what “felony other than felony theft” Respondent intended to commit, he first entered another’s home without consent. Texas courts find such an invasion of privacy an inherently deceptive act. *See e.g., Cortez v. State*, No. 08-18-00156-CR, 2020 WL 6882643, at *5 (Tex. App.—El Paso Nov. 18, 2020, no pet.) (recognizing burglary of a habitation is a crime of deception admissible for purposes of impeachment); and *Bolinger v. State*, No. 14-18-00931-CR, 2021 WL 282606, at *4 (Tex. App.—Houston [14th Dist.] Jan. 28, 2021, pet. ref’d) (recognizing burglary and theft as crimes of deception more probative of a defendant’s credibility than offenses involving violence).

Likewise, Respondent’s felony conviction reflects adversely his honesty, trustworthiness, and fitness as an attorney. For example, under Rule 4(d)(2) of the Rules Governing Admission to the Bar of Texas, Respondent is “conclusively deemed” unfit to practice law in Texas due to his felony conviction. If Respondent were not already licensed, he could not even be considered for admission to the bar until five years after the completion of the eleven-year prison sentence imposed upon him.

C. RESPONDENT IS SUBJECT TO DISBARMENT.

When an attorney has been convicted of an Intentional Crime, and that conviction has become final and the sentence is not probated, the attorney shall be disbarred. *See* Tex. Rules Disciplinary P. RR. 8.05 and 8.06. In this case, Respondent was ordered to confinement in the Texas Department of Criminal Justice for a term of eleven years. Therefore, Respondent is not eligible for a probated suspension and should be disbarred.

III. PRAYER

WHEREFORE, PREMISES CONSIDERED, the Commission prays that the Board enter an order imposing compulsory discipline on Respondent and for such other and further relief to which the Commission may be entitled to receive.

Respectfully submitted,

Seana Willing

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STATE BAR OF TEXAS

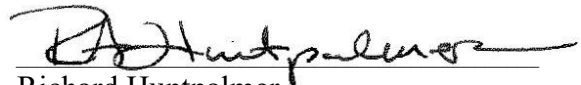
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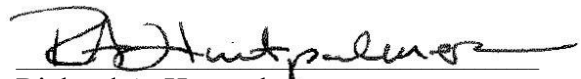


Richard Huntpalmer

State Bar Card No. 24097857

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been sent for service on Joseph Salvatore Cocchiaro, TDCJ #02500766, Ney Unit, 114 Private Road 4303, Hondo, Texas 78861-3812, through his attorney of record, Dennis Hubbs, via email at dennis@hea-ip.com, on this 22nd day of March, 2025.



Richard A. Huntpalmer