

**BEFORE THE BOARD OF DISCIPLINARY APPEALS  
APPOINTED BY  
THE SUPREME COURT OF TEXAS**

<b>IN THE MATTER OF</b>	§	
<b>JON D. CURRY</b>	§	<b>CAUSE NO. 39267</b>
<b>STATE BAR CARD NO. 05272300</b>	§	

**JUDGMENT OF SUSPENSION**

On the 23rd day of March 2007, the above-styled and -numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals appointed by the Supreme Court of Texas. Petitioner, the Commission for Lawyer Discipline of the State Bar of Texas, appeared by its attorney and announced ready. Respondent, Jon D. Curry, having answered and been duly noticed of the hearing date, failed to appear. All issues of fact, as well as all questions of law, were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, received evidence, and heard the argument of counsel, the Board of Disciplinary Appeals is of the opinion that Petitioner is entitled to rendition of the following findings and judgment:

**Findings of Fact.** The Board of Disciplinary Appeals finds that:

- (1) Respondent, Jon D. Curry, State Bar Card Number 05272300, is currently licensed to practice law in the State of Texas.
- (2) On May 11, 2006, a Stipulation of Evidence was signed by Respondent, Jon D. Curry, in Cause No. 007-1664-04, styled *The State of Texas v. Jon Curry*, in the 7th Judicial District Court of Smith County, Texas.
- (3) Said Stipulation of Evidence signed by Respondent recited that “on or about the 23<sup>rd</sup> day of April, 2004, and anterior to the presentment of this Indictment, in the County of Smith and State of Texas, JON CURRY did then and there, with intent to commit an assault against Melanie McElfatrick, enter a habitation, without the effective consent of Melanie McElfatrick, the owner thereof . . . .”
- (4) On or about June 5, 2006, a Plea of Guilty or Nolo Contendere Before the Court/Deferred Adjudication Probation was entered in Case No. 007-1664-04, finding the Respondent guilty of Burglary of a Habitation, Texas Penal Code §30.02, denoted

thereon as a Second Degree Felony. Said judgment placed Respondent on deferred adjudication for a period of five (5) years, beginning on June 5, 2006, and ordered him to pay \$263.00 in court costs.

- (5) Respondent, Jon D. Curry, is the same person as Jon David Curry, who is the subject of the Plea of Guilty and Deferred Adjudication Judgment described above in finding (4), and the same person as the Jon Curry who signed the Stipulation of Evidence described above in finding (3).
- (6) Respondent was placed on deferred adjudication for the entirety of his criminal sentence.

**Conclusions of Law.** Based upon the foregoing findings of fact, the Board of Disciplinary

Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Texas Rules of Disciplinary Procedure (“TRDP”) 7.08(G).
- (2) Respondent, Jon D. Curry, having pled guilty or nolo contendere to burglary of a habitation with intent to commit assault, has been convicted of an Intentional Crime as defined by TRDP 1.06(T) and of a Serious Crime as defined by TRDP 1.06(Z).
- (3) Respondent has been convicted of an Intentional Crime for purposes of TRDP 8.04.
- (4) Respondent, Jon D. Curry, should be suspended for the term of his deferred adjudication probation as originally assessed.
- (5) If the deferred adjudication probation is revoked, Jon D. Curry should be disbarred. TRDP Rule 8.06.

It is, accordingly, **ORDERED, ADJUDGED, AND DECREED** that Respondent, Jon D. Curry, State Bar Card No. 05272300, be and hereby is **SUSPENDED** from the practice of law in the State of Texas for a period beginning on the date of this judgment and ending on June 4, 2011.

It is further **ORDERED, ADJUDGED** and **DECREED** that Respondent, Jon D. Curry, during said suspension, is prohibited from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal

services not completed prior to the date of this judgment, appearing as counsel in any Texas court or before any Texas administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words "attorney," "counselor," or "lawyer."

It is further **ORDERED** that Respondent, Jon D. Curry, no later than thirty (30) days from the date of this judgment, shall notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court, if any, in which Respondent, Jon D. Curry, has any legal matter pending, if any, of his suspension, of the style and cause number of the pending matter(s), and of the name, address, and telephone number of the client(s) Respondent is representing in that court. Respondent is also **ORDERED** to mail copies of all such notifications to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that Respondent, Jon D. Curry, shall immediately notify each of his current clients, if any, in writing, of his suspension. In addition to providing such notification, Respondent is **ORDERED** to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession but which belong to current or former clients, if any, to those respective clients or former clients within thirty (30) days after the date of this Judgment.

Respondent is further **ORDERED** to file with this Board, within the same thirty (30) days, an affidavit stating that all current clients have been notified of his suspension and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients have been returned as ordered herein. If Respondent should be unable to return any file, papers, money or other property to any client or former client, Respondent's affidavit shall state with

particularity the efforts made by Respondent with respect to each such client and the cause of his inability to return to said client any file, paper, money or other property. Respondent is also **ORDERED** to mail a copy of said affidavit and copies of all notification letters to clients, to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further **ORDERED** that Respondent, Jon D. Curry, immediately surrender his Texas law license and permanent State Bar Card to the Office of the Chief Disciplinary Counsel, State Bar of Texas, for transmittal to the Clerk of the Supreme Court of Texas.

It is further **ORDERED** that, in the event that the above-described criminal deferred adjudication probation of Respondent, Jon D. Curry, is revoked, resulting in his incarceration, Petitioner, the Commission for Lawyer Discipline, may file with the Board a motion supported by certified copies of an order, judgment, or other appropriate court document revoking the deferred adjudication and seek to **DISBAR** Respondent pursuant to TRDP 8.06.

It is further **ORDERED** that a certified copy of the Petition for Compulsory Discipline on file herein, along with a copy of this Judgment, be sent to the Office of the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

Signed this 28<sup>th</sup> day of March 2007.

*Karen L. Watkins*

CHAIR PRESIDING