

20 and November 21 through December 10. The Court ordered the periods to be over several years with the first period of incarceration beginning when the conviction is final and further ordered that this 140-day period shall run consecutively with the terms of incarceration order in the terms of Counts II and III.

2. Petitioner's Petition for Compulsory Discipline was further based upon Respondent's conviction in Case No. CR-1016 Count II, styled *The State of Texas v. Walter Demond*, in the 424th District Court of Blanco County, Texas, wherein Respondent was found guilty of Theft and was committed into the custody of the Institutional Division of the Texas Department of Criminal Justice to be imprisoned for a total term of ten (10) years. The Court suspended the confinement and placed Demond on community supervision for ten (10) years, ordered him to pay a fine of \$10,000 and restitution of \$212,000. Demond is jointly and severally liable for \$86,000 of that amount with the defendant in the case CR 1015. As a condition of community supervision, the Court ordered Demond to be confined in the Blanco County Jail for one hundred and eighty days (180) over nine periods of incarceration: those periods being January 1 through January 20, March 1 through March 20, July 1 through July 20, September 1 through September 20 and November 21 through December 10. The Court ordered the periods to be over several years with the first period of incarceration beginning when Demond has served the jail time as condition of community supervision for Count I and further ordered that this 180-day period shall run consecutively with the terms of incarceration order in the terms of Counts I and III.

3. Petitioner's Petition for Compulsory Discipline was further based upon Respondent's conviction in Case No. CR-1016 Count III, styled *The State of Texas v. Walter Demond*, in the 424th District Court of Blanco County, Texas, wherein Respondent was found

guilty of Money Laundering and was committed into the custody of the Institutional Division of the Texas Department of Criminal Justice to be imprisoned for a total term of ten (10) years. The Court suspended the confinement and placed Demond on community supervision for ten (10) years, ordered him to pay a fine of \$10,000 and restitution of \$212,000. Demond is jointly and severally liable for \$86,000 of that amount with the defendant in the case CR 1015. As a condition of community supervision, the Court ordered Demond to be confined in the Blanco County Jail for one hundred and eighty days (180) over nine periods of incarceration: those periods being January 1 through January 20, March 1 through March 20, July 1 through July 20, September 1 through September 20 and November 21 through December 10. The Court ordered the periods to be over several years with the first period of incarceration beginning when Demond has served the jail time as condition of community supervision for Count II and that this 180-day period shall run consecutively with the terms of incarceration order in the terms of Counts I and II.

4. On September 26, 2011, an Agreed Interlocutory Order of Suspension was entered by the Board of Disciplinary Appeals which provides in pertinent part, as follows:

It is further ORDERED that this Order is interlocutory and that the Board retains jurisdiction to enter a final judgment when the appeal of the criminal conviction is final. In the Matter of Mercier, 242 SW 3d 46 (Tex. 2007).

5. Following the appeal by Respondent of his criminal convictions in Case No. CR-1016 Count I on the charge of Misapplication of Fiduciary Property, Case No. CR-1016 Count II on the charge of Theft, and Case No. CR-1016 Count III on the charge of Money Laundering, a Judgment (Exhibit A) was issued by the Texas Court of Appeals, Third District, at Austin, on or about December 4, 2013, in Cause No. No. 03-11-00553-CR, *Walter Demond, Appellant, v. The State of Texas, Appellee*, which reversed and vacated the trial court's judgment of conviction for

the offense of theft by deception, modified the conditions of community supervision to delete the requirement that Demond submit to 180 days' confinement for theft by deception, and affirmed the trial court's judgments of conviction, as modified, in all other respects.

6. On or about June 4, 2015, a Mandate (Exhibit B) was issued by Court of Appeals for the Third District of Texas, in Cause No. No. 03-11-00553-CR, *Walter Demond, Appellant, v. The State of Texas, Appellee*. True and correct copies of the Judgment and Mandate issued by the Court of Appeals for the Third District of Texas, are attached hereto as Exhibits A and B, and made a part hereof for all intents and purposes as if the same were copied verbatim herein. Petitioner expects to introduce certified copies of Exhibits A and B at the time of hearing of this cause.

7. Petitioner represents to the Board that the Judgments entered against Respondent, Walter Demond, have now become final. Petitioner seeks the entry of a judgment of disbarment. Attached hereto as Exhibit C is a true and correct copy of the form of judgment of which Petitioner seeks the entry herein.

PRAYER


WHEREFORE, PREMISES CONSIDERED, Petitioner prays, upon notice to Respondent, that the Board enter its order disbarring Respondent and for such other and further relief to which Petitioner may be entitled.

Respectfully submitted,

Linda A. Acevedo
Chief Disciplinary Counsel

Judith Gres DeBerry
Assistant Disciplinary Counsel
Office of the Chief Disciplinary Counsel
State Bar of Texas

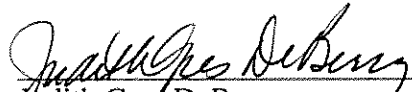
P.O. Box 12487
Austin, Texas 78711
Telephone: 512.427.1350
Telecopier: 427.4167
Email: Judith.DeBerry@texasbar.com



Judith Gres DeBerry
Bar Card No. 24040780
ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

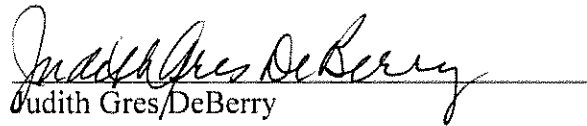
I hereby certify that a true and correct copy of the foregoing instrument has been sent for personal service on Walter E. Demond, 4704 Island Cove, Austin, Texas 78731, on this 25 day of August 2015.



Judith Gres DeBerry

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a trial on the merits of the Motion for Entry of Judgment of Disbarment heretofore sent to be filed with the Board of Disciplinary Appeals on this day, will be held in the courtroom of the Supreme Court of Texas, Tom C. Clark Building, 14th and Colorado Streets, Austin, Texas, at **2:00 p.m. on the 13th day of October 2015.**


Judith Gres/DeBerry

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

JUDGMENT RENDERED NOVEMBER 21, 2014

NO. 03-11-00553-CR

Walter Demond, Appellant

v.

The State of Texas, Appellee

**APPEAL FROM 424TH DISTRICT COURT OF BLANCO COUNTY
BEFORE CHIEF JUSTICE JONES, JUSTICES PEMBERTON AND FIELD
REVERSED AND VACATED IN PART; MODIFIED AND, AS MODIFIED,
AFFRIMED IN PART -- OPINION BY JUSTICE FIELD**

This is an appeal from the judgments of conviction entered by the trial court. Having reviewed the record and the parties' arguments, the Court holds that there was reversible error in the trial court's judgment convicting appellant of theft by deception. Therefore, the Court reverses and vacates the trial court's judgment of conviction for that offense. The Court modifies appellant's conditions of community supervision to delete the requirement that he submit to 180 days' confinement for theft by deception. The Court affirms the trial court's judgments of conviction, as modified, in all other respects. The appellant shall pay all costs relating to this appeal, both in this Court and the court below.

Exhibit

A

M A N D A T E

THE STATE OF TEXAS

TO THE 424TH DISTRICT COURT OF BLANCO COUNTY, GREETINGS:

Trial Court Cause No. CR-1016

Before our Court of Appeals for the Third District of Texas on November 21, 2014, the cause on appeal to revise or reverse your judgment between

Walter Demond

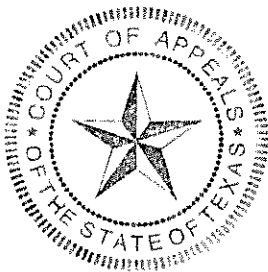
No. 03-11-00553-CR v.

The State of Texas

Was determined, and therein our Court of Appeals made its order in these words

This is an appeal from the judgments of conviction entered by the trial court. Having reviewed the record and the parties' arguments, the Court holds that there was reversible error in the trial court's judgment convicting appellant of theft by deception. Therefore, the Court reverses and vacates the trial court's judgment of conviction for that offense. The Court modifies appellant's conditions of community supervision to delete the requirement that he submit to 180 days' confinement for theft by deception. The Court affirms the trial court's judgments of conviction, as modified, in all other respects. The appellant shall pay all costs relating to this appeal, both in this Court and the court below.

Wherefore, we command you to observe the order of our Court of Appeals in this behalf and in all things have the order duly recognized, obeyed, and executed.

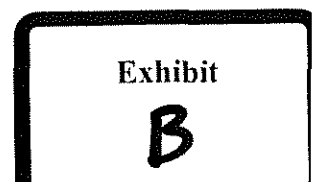


Witness the Honorable Jeff L. Rose, Chief Justice of the Court of Appeals for the Third District of Texas, with the seal of the Court affixed in the City of Austin on Thursday, June 04, 2015.



JEFFREY D. KYLE, CLERK

By: Amy Strother, Deputy Clerk





COURT OF APPEALS

THIRD DISTRICT OF TEXAS
P.O. BOX 12547, AUSTIN, TEXAS 78711-2547
www.txcourts.gov/3rdcoa.aspx
(512) 463-1733

JEFF L. ROSE, CHIEF JUSTICE
DAVID PURYEAR, JUSTICE
BOB PEMBERTON, JUSTICE
MELISSA GOODWIN, JUSTICE
SCOTT K. FIELD, JUSTICE
CINDY OLSON BOURLAND, JUSTICE

JEFFREY D. KYLE, CLERK

June 4, 2015

The Honorable Debby Elsbury
Blanco County District Clerk
P.O. Box 382
Johnson City, TX 78636
* DELIVERED VIA E-MAIL *

RE: Court of Appeals Number: 03-11-00553-CR
Trial Court Case Number: CR-1016

Style: Walter Demond
v. The State of Texas

Dear Honorable Debby Elsbury:

Enclosed, with reference to the above cause, is the mandate of this Court. Please file and execute in the usual manner.

Because the appeal has been affirmed, please be advised that the judgment of the trial court is in full force and effect. Accordingly, appropriate enforcement procedures may need to be instituted in your office, including issuance of a capias. If a capias is issued, please remind the sheriff that Texas Rule of Appellate Procedure 51.2(b)(3) requires that this Court be notified when the mandate has been carried out and executed.

In addition, as required by Texas Government Code, Sec. 51.204(d), the trial court clerk is notified that we will destroy all records filed in respect to this case with the exception of indexes, original opinions, minutes and general court dockets no earlier than twenty-five (25) years from the date final mandate is issued.

Your cooperation in this regard is appreciated.

Very truly yours,



Jeffrey D. Kyle, Clerk

cc: Mr. Bill Davis
Mr. James C. Ho
Mr. Dustin M. Howell

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

**IN THE MATTER OF
WALTER E. DEMOND
STATE BAR CARD NO. 05736600**

§
§
§

CAUSE NO. 48985

JUDGMENT OF DISBARMENT

On the _____ day of October 2015, the Board of Disciplinary Appeals considered the Motion for Entry of Judgment of Disbarment filed in the above case by Petitioner, Commission for Lawyer Discipline of the State Bar of Texas, against Respondent, Walter E. Demond. The Board finds that:

- (1) It has continuing jurisdiction of this matter pursuant to Texas Rules of Disciplinary Procedure 8.05 (“TRDP”);
- (2) A Judgment was issued by the Texas Court of Appeals, Third District, at Austin, on or about December 4, 2013, in Cause No. No. 03-11-00553-CR, Walter Demond, Appellant, v. The State of Texas, Appellee, which reversed and vacated the trial court's judgment of conviction for the offense of theft by deception, modified the conditions of community supervision to delete the requirement that Demond submit to 180 days' confinement for theft by deception, and affirmed the trial court's judgments of conviction, as modified, in all other respects.
- (3) The Texas Court of Appeals, Third District, at Austin, issued its Mandate indicating that the decision was final on or about June 4, 2015;
- (4) Petitioner filed its Motion for Entry of Judgment of Disbarment on or about August 25, 2015, and served same on Respondent in accordance with TRDP 8.05;
- (5) Respondent's convictions for the commission of Intentional Crimes as defined by TRDP 1.06(T), for which he was sentenced in the 424th District Court of Blanco County, Texas, has become final and is not subject to appeal;
- (6) Petitioner's Motion for Entry of Judgment of Disbarment should be granted.

Interlocutory Suspension

On September 26, 2011, the Board of Disciplinary Appeals entered an Agreed Interlocutory Order of Suspension, which included the following findings of fact and conclusions of law:

- (1) Respondent, Walter E. Demond, whose State Bar Card number is 05736600, is licensed by the Supreme Court of Texas to practice law and is authorized to practice law in the State of Texas.
- (2) On or about June 17, 2009, Walter Demond was charged by Indictment with Misapplication of Fiduciary Property; Theft; and Money Laundering in Cause No. CR01016, styled *The State of Texas v. Walter Demond*, in the 424th Judicial District Court of Blanco County, Texas.
- (3) On or about June 15, 2011, a Judgment of Conviction by Jury was entered in Case No. CR-1016 Count I, styled *The State of Texas v. Walter Demond*, in the 424th District Court of Blanco County, Texas, wherein Respondent was found guilty of Misapplication of Fiduciary Property and was committed into the custody of the Institutional Division of the Texas Department of Criminal Justice to be imprisoned for a total term of ten (10) years. The Court suspended the confinement and placed Demond on community supervision for ten (10) years, ordered him to pay a fine of \$10,000, court costs of \$378 and restitution of \$212,000. Demond is jointly and severally liable for \$86,000 of that amount with the defendant in the case CR 1015. As a condition of community supervision, the Court ordered Demond to be confined in the Blanco County Jail for one hundred and forty days (140) over seven periods of incarceration: those periods being January 1 through January 20, March 1 through March 20, July 1 through July 20, September 1 through September 20 and November 21 through December 10. The Court ordered the periods to be over several years with the first period of incarceration beginning when the conviction is final and further ordered that this 140-day period shall run consecutively with the terms of incarceration order in the terms of Counts II and III.
- (4) On or about June 15, 2011, a Judgment of Conviction by Jury was entered in Case No. CR-1016 Count II, styled *The State of Texas v. Walter Demond*, in the 424th District Court of Blanco County, Texas, wherein Respondent was found guilty of Theft and was committed into the custody of the Institutional Division of the Texas Department of Criminal Justice to be imprisoned for a total term of ten (10) years. The Court suspended the confinement and placed Demond on community supervision for ten (10) years, ordered him to pay a fine of \$10,000 and restitution of \$212,000. Demond is jointly and severally liable for \$86,000 of that

amount with the defendant in the case CR 1015. As a condition of community supervision, the Court ordered Demond to be confined in the Blanco County Jail for one hundred and eighty days (180) over nine periods of incarceration: those periods being January 1 through January 20, March 1 through March 20, July 1 through July 20, September 1 through September 20 and November 21 through December 10. The Court ordered the periods to be over several years with the first period of incarceration beginning when Demond has served the jail time as condition of community supervision for Count I and further ordered that this 180-day period shall run consecutively with the terms of incarceration order in the terms of Counts I and III.

- (5) On or about June 15, 2011, a Judgment of Conviction by Jury was entered in Case No. CR-1016 Count III, styled *The State of Texas v. Walter Demond*, in the 424th District Court of Blanco County, Texas, wherein Respondent was found guilty of Money Laundering and was committed into the custody of the Institutional Division of the Texas Department of Criminal Justice to be imprisoned for a total term of ten (10) years. The Court suspended the confinement and placed Demond on community supervision for ten (10) years, ordered him to pay a fine of \$10,000 and restitution of \$212,000. Demond is jointly and severally liable for \$86,000 of that amount with the defendant in the case CR 1015. As a condition of community supervision, the Court ordered Demond to be confined in the Blanco County Jail for one hundred and eighty days (180) over nine periods of incarceration: those periods being January 1 through January 20, March 1 through March 20, July 1 through July 20, September 1 through September 20 and November 21 through December 10. The Court ordered the periods to be over several years with the first period of incarceration beginning when Demond has served the jail time as condition of community supervision for Count II and that this 180-day period shall run consecutively with the terms of incarceration order in the terms of Counts I and II.
- (6) Respondent, Walter E. Demond, is the same person as the Walter Demond who is the subject of the Demond criminal cases described above.
- (7) Respondent has appealed the criminal convictions.
- (8) This Board has jurisdiction to hear and determine this matter. Rule 7.08(G), Texas Rules of Disciplinary Procedure.
- (9) Respondent, Walter E. Demond, having been convicted of Misapplication of Fiduciary Property; Theft; and Money Laundering has been convicted of Intentional Crimes as defined by TRDP 1.06(T).

- (10) Respondent has also been convicted of Serious Crimes as defined by TRDP 1.06(Z).
- (11) Having been found guilty and convicted of Intentional and Serious Crimes and having appealed such convictions, Respondent, Walter E. Demond, should have his license to practice law in Texas suspended during the appeal of his criminal convictions. TRDP 8.04.
- (12) The Board retains jurisdiction to enter a final judgment in this matter when the criminal appeal is final.

Disbarment

The Board has determined that disbarment of the Respondent is appropriate. It is, therefore, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Walter E. Demond, State Bar No. 05736600, be and he is hereby DISBARRED from the practice of law in the State of Texas, and his license to practice law in this state be and is hereby revoked.

It is further ORDERED, ADJUDGED and DECREED that Respondent, Walter E. Demond, is hereafter permanently prohibited, effective immediately, 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, appearing as counsel or in any representative capacity in any proceeding 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, Walter E. Demond, not later than thirty (30) days from the date of the entry 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 has any legal matter pending, if any, of his disbarment, 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, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further ORDERED that Respondent, Walter E. Demond, shall immediately notify each of his current clients and opposing counsel, if any, in writing, of his disbarment. In addition to 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 on which this Judgment is signed by the Board. Respondent is further ORDERED to file with this Board, within the same thirty (30) days, an affidavit stating that all current clients and opposing counsel have been notified of his disbarment 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 particular 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, Statewide Compliance Monitor, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further ORDERED that Respondent, Walter E. Demond, if he has not already done so, immediately surrender his Texas law license and permanent State Bar Card to the Office of the Chief Disciplinary Counsel, Statewide Compliance Monitor, State Bar of Texas, P. O. Box 12487, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

It is further ORDERED that a certified copy of the Petition for Compulsory Discipline on

file herein along with a copy of this Final Judgment of Disbarment be sent to the Chief
Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

Signed this _____ day of _____ 2015.

Chair Presiding
BOARD OF DISCIPLINARY APPEALS