

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

**IN THE MATTER OF** §  
**EMEKA M. UYAMADU** § **CAUSE NO. 46776**  
**STATE BAR CARD NO. 00788571** §

**MOTION FOR ENTRY OF JUDGMENT OF DISBARMENT**

TO THE HONORABLE BOARD:

COMES NOW, Petitioner, the Commission for Lawyer Discipline (hereinafter called "Petitioner"), and files this its Motion for Entry of Judgment of Disbarment, showing as follows:

1. On or about June 3, 2010, Petitioner filed its Petition for Compulsory Discipline against Respondent, Emeka M. Uyamadu, (hereinafter called "Respondent") seeking compulsory discipline based upon Respondent's conviction in Case No. 1138060, styled *The State of Texas v. Uyamadu, Emeka Michael*, in 176<sup>th</sup> District Court of Harris County, Texas, wherein Respondent was found guilty of Theft over \$20,000 under \$100,000, a Third Degree Felony and was sentenced to ten (10) years in the custody of the Institutional Division of the Texas Department of Criminal Justice, with that sentence being suspended and Uyamadu being placed on community supervision for ten (10) years, ordered to pay a \$5,000 fine, and to serve sixty (60) days in the Harris County Jail and Case No. 1176507, styled *The State of Texas v. Uyamadu, Emeka Michael*, in 176<sup>th</sup> District Court of Harris County, Texas, wherein Respondent was found guilty of Tampering with a Witness, a State Jail Felony, and was sentenced to two (2) years in the custody of the State Jail Division of the Texas Department of Criminal Justice and ordered to pay a \$3,000 fine.

2. On the 26th day of July 2010, a Default 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 S.W. 3d 46. 47 (Tex. 2007) (per curiam).

3. Following the appeal by Respondent of his criminal conviction in Cause No. 1138060, on the charge of Theft over \$20,000 under \$100,000, a Mandate was issued by the Fourteenth Court of Appeals on June 22, 2012, in a matter styled, No. 14-10-00393-CR, *Emeka Michael Uyamadu, Appellant, v. The State of Texas, Appellee*, which affirmed the judgment issued by the District Court. A true and correct copy of the Mandate issued on June 22, 2012, by the Fourteenth Court of Appeals is attached hereto as Exhibit “A”, and made a part hereof for all intents and purposes as if the same were copied verbatim herein. Petitioner expects to introduce a certified copy of Exhibit A at the time of hearing of this cause.

4. Following the appeal by Respondent of his criminal conviction in Case No. 1176507, on the charge of Tampering with a Witness, a Mandate was issued by the Fourteenth Court of Appeals on June 22, 2012, in a matter styled, No. 14-10-00394-CR, *Emeka Michael Uyamadu, Appellant, v. The State of Texas, Appellee*, which affirmed the judgment issued by the District Court. A true and correct copy of the Mandate issued on June 22, 2012, by the Fourteenth Court of Appeals is attached hereto as Exhibit “B”, and made a part hereof for all intents and purposes as if the same were copied verbatim herein. Petitioner expects to introduce a certified copy of Exhibit B at the time of hearing of this cause.

5. Petitioner represents to the Board that the Judgments entered against Respondent, Emeka Michael Uyamadu, 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.

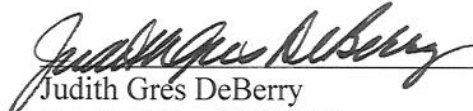
**PRAYER**

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

  
\_\_\_\_\_  
Judith Gres DeBerry  
Bar Card No. 24040780  
ATTORNEYS FOR PETITIONER

**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 **9:00 a.m. on the 23rd day of October 2012.**

  
\_\_\_\_\_  
Judith Gres DeBerry



## MANDATE

### The Fourteenth Court of Appeals

NO. 14-10-00393-CR

EMEKA MICHAEL UYAMADU,  
Appellant

Appeal from the 176th District Court of  
Harris County. (Tr. Ct. No. 1138060).  
Opinion delivered by Justice Boyce.  
Justices Brown and McCally also  
participating.

V.

THE STATE OF TEXAS, Appellee

#### TO THE 176TH DISTRICT COURT OF HARRIS COUNTY, GREETINGS:

Before our Court of Appeals, on the 29th day of December A.D. 2011, the cause upon appeal to revise or reverse your judgment was determined. Our Court of Appeals made its order in these words:

This cause was heard on the transcript of the record of the court below. Having considered the record, this Court holds that there was no error in the judgment. The Court orders the judgment **AFFIRMED**, that the appellant pay all costs expended in this appeal, and that this decision be certified below for observance.

**WHEREFORE, WE COMMAND YOU** to observe the order of our said Court in this behalf and in all things have it duly recognized, obeyed, and executed.

**WITNESS**, the Hon. Adele Hedges, Chief Justice of our Fourteenth Court of Appeals, with the Seal thereof affixed, at the City of Houston, June 22, 2012.



CHRISTOPHER A. PRINE, Clerk

Handwritten signature of Christopher A. Prine in cursive script.

Exhibit

A



THE STATE OF TEXAS

COUNTY OF HARRIS

I, Christopher A. Prine, Clerk of the Fourteenth Court of Appeals, of the State of Texas, at Houston, do hereby certify that the preceding 1 pages contain a true and correct copy of the Court's **mandate issued June 22, 2012.**

In the Cause No. 14-10-00393-CR

Emeka Michael Uyamadu, Appellant

v.

The State of Texas, Appellee

from Harris County, and now do file in my office.

TO CERTIFY WHICH, I hereunto set my hand and affix the Seal of said Court of Appeals, at Houston, this July 16, 2012.

Christopher A. Prine, Clerk

By Troy Wal Deputy



## MANDATE

### The Fourteenth Court of Appeals

NO. 14-10-00394-CR

EMEKA MICHAEL UYAMADU,  
Appellant

Appeal from the 176th District Court of  
Harris County. (Tr. Ct. No. 1176507).  
Opinion delivered by Justice Boyce.  
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**WHEREFORE, WE COMMAND YOU** to observe the order of our said Court in this behalf and in all things have it duly recognized, obeyed, and executed.

**WITNESS**, the Hon. Adele Hedges, Chief Justice of our Fourteenth Court of Appeals, with the Seal thereof affixed, at the City of Houston, June 22, 2012.



CHRISTOPHER A. PRINE, Clerk

Handwritten signature of Christopher A. Prine in black ink.

Exhibit

B



THE STATE OF TEXAS

COUNTY OF HARRIS

I, Christopher A. Prine, Clerk of the Fourteenth Court of Appeals, of the State of Texas, at Houston, do hereby certify that the preceding 1 pages contain a true and correct copy of the Court's **mandate issued June 22, 2012.**

In the Cause No. 14-10-00394-CR

Emeka Michael Uyamadu, Appellant

v.

The State of Texas, Appellee

from Harris County, and now do file in my office.

TO CERTIFY WHICH, I hereunto set my hand and affix the Seal of said Court of Appeals, at Houston, this July 16, 2012.

Christopher A. Prine, Clerk

By  Deputy

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

<b>IN THE MATTER OF</b>	§	
<b>EMEKA M. UYAMADU</b>	§	<b>CAUSE NO. 46776</b>
<b>STATE BAR CARD NO. 00788571</b>	§	

**JUDGMENT OF DISBARMENT**

On the 23rd day of October 2012, 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, Emeka Michael Uyamadu. The Board finds that:

- (1) It has continuing jurisdiction of this matter pursuant to Texas Rule of Disciplinary Procedure 8.05 (“TRDP”);
- (2) The Fourteenth Court of Appeals affirmed Respondent, Emeka M. Uyamadu's criminal convictions and issued its Mandates indicating that the decisions were final on or about June 22, 2012;
- (3) Petitioner filed its Motion for Entry of Judgment of Disbarment on or about \_\_\_\_\_ 2012, and served same on Respondent in accordance with TRDP 8.05;
- (4) Respondent’s convictions for the commission of Intentional Crimes as defined by TRDP 1.06(T), for which he was sentenced in the 176th District Court of Harris County, Texas, have become final and are not subject to appeal;
- (5) Petitioner’s Motion for Entry of Judgment of Disbarment should be granted.

**Interlocutory Suspension**

Following a hearing on the 23rd day of July 2010, at which Petitioner Commission for



Lawyer Discipline of the State Bar of Texas appeared by attorney and announced ready and Respondent, Emeka M. Uyamadu, although duly cited to appear and having been given notice of the hearing, failed to answer or appear and wholly made default, the Board of Disciplinary Appeals entered a Default Interlocutory Order of Suspension on or about July 26, 2010, which included the following findings of fact and conclusions of law:

- (1) Respondent, Emeka M. Uyamadu, whose State Bar Card number is 00788571, is licensed by the Supreme Court of Texas to practice law and currently authorized to practice law in the State of Texas.
- (2) On or about March 3, 2008, Respondent was charged by Indictment with Theft, in Cause No. 1138060, styled *The State of Texas v. Emeka Michael Uyamadu*, in the 176<sup>th</sup> District Court of Harris County, Texas.
- (3) On or about July 29, 2008, Respondent was charged by Indictment with Tampering with a Witness, in Cause No. 1176507, styled *The State of Texas v. Emeka Uyamadu*, in the 176<sup>th</sup> District Court of Harris County, Texas.
- (4) On or about April 23, 2010, a Judgment of Conviction by Jury was entered in Case No. 1138060, styled *The State of Texas v. Uyamadu, Emeka Michael*, in 176<sup>th</sup> District Court of Harris County, Texas, wherein Respondent was found guilty of Theft over \$20,000 under \$100,000, a Third Degree Felony, and was sentenced to ten (10) years in the custody of the Institutional Division of the Texas Department of Criminal Justice, with that sentence being suspended and Uyamadu being placed on community supervision for ten (10) years, ordered to pay a \$5,000 fine, and to serve sixty (60) days in the Harris County Jail.
- (5) On or about April 23, 2010, a Judgment of Conviction by Jury was entered in Case No. 1176507, styled *The State of Texas v. Uyamadu, Emeka Michael*, in 176<sup>th</sup> District Court of Harris County, Texas, wherein Respondent was found guilty of Tampering with a Witness, a State Jail Felony, and was sentenced to two (2) years in the custody of the State Jail Division of the Texas Department of Criminal Justice and ordered to pay a \$3,000 fine.
- (6) Respondent, Emeka M. Uyamadu, is the same person as the Emeka Michael Uyamadu who is the subject of the Uyamadu criminal cases described above.
- (7) Respondent has appealed the criminal conviction in Cause No. 1176507 and Cause No. 1138060.

- (8) Respondent was personally served by a duly authorized process server with the Petition for Compulsory Discipline on June 16, 2010, as shown in the affidavit of service filed June 29, 2010 with the Board.
- (9) This Board has jurisdiction to hear and determine this matter. Texas Rules of Disciplinary Procedure Rule 7.08(G) ("TRDP").
- (10) Respondent, Emeka M. Uyamadu, having been convicted of Theft over \$20,000 under \$100,000 and Tampering with a Witness has been convicted of Intentional Crimes as defined by TRDP 1.06(T).
- (11) Respondent has also been convicted of Serious Crimes as defined by TRDP 1.06(Z).
- (12) Having been found guilty and convicted of Intentional and Serious Crimes and having appealed such convictions, Respondent, Emeka M. Uyamadu, should have his license to practice law in Texas suspended during the appeals of his criminal convictions. TRDP 8.04.
- (13) The Board retains jurisdiction to enter a final judgment in this matter when one or both of the criminal appeals are final.

### **Disbarment**

The Board has determined that disbarment of the Respondent is appropriate. It is, therefore, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Emeka M. Uyamadu, State Bar No. 00788571, 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, Emeka M. Uyamadu, 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, Emeka M. Uyamadu, 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, Emeka M. Uyamadu, 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, Emeka M. Uyamadu, 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 \_\_\_\_\_ 2012.

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Chair Presiding  
BOARD OF DISCIPLINARY APPEALS