

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

IN THE MATTER OF	§	
ROBERT N. CARNAHAN	§	DOCKET NO. 28766
STATE BAR CARD NO. 03826000	§	

JUDGMENT OF DISBARMENT

On the 9th day of May 2003, the above-styled and numbered compulsory disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner appeared by attorney and announced ready. Respondent, Robert N. Carnahan, although duly served and cited to appear and having been duly notified of the hearing date, failed to appear and wholly made default. All matters of fact as well as matters of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, having received evidence, and having heard the argument of counsel, the Board of Disciplinary Appeals entered an Interlocutory Order of Suspension on or about May 12, 2003, which provided in pertinent part the following findings and conclusions:

The Board of Disciplinary Appeals found in pertinent part that:

- (1) Respondent, Robert N. Carnahan, State Bar Card Number 03826000, is currently licensed to practice law in the State of Texas.
- (2) On or about January 10, 2003, Respondent was found guilty of Counts 1, 4-5: Indecency with a Child, Counts 2-3 & 6-8: Aggravated Sexual Assault of a Child, and Counts 9-13: Sexual Assault of a Child, in *Cause Number 01 CR 3833 H; The State of Texas v. Robert Narvell Carnahan* in the 347th District Court of Nueces County, Texas. On or about January 10, 2003, Respondent was sentenced to fifteen (15) years

confinement to the Institutional Division of the Texas Department of Criminal Justice for Counts 1, 4-5 & 9–13 and to forty (40) years confinement in the Institutional Division of the Texas Department of Criminal Justice for Counts 2-3 and 6-8.

Respondent was further ordered to pay a fine in the amount of \$5000.00 on each count and costs of \$463.00.

- (3) Respondent, Robert N. Carnahan, is same person as the Robert Narvell Carnahan, who is the subject of the Judgment described above.
- (4) Respondent has appealed the criminal conviction.

Based upon the foregoing findings of facts the Board of Disciplinary Appeals made the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Rule 7.08(G), Texas Rules of Disciplinary Procedure.
- (2) The crime for which Respondent has been convicted is an intentional crime as defined by Rule 1.06(O), Texas Rules of Disciplinary Procedure.
- (3) Having been found guilty and convicted of an intentional crime and such conviction currently being appealed, Respondent, Robert N. Carnahan, should be suspended as an attorney licensed to practice law in Texas during the appeal of his conviction. Rule 8.04, Texas Rules of Disciplinary Procedure.
- (4) In the event that the conviction becomes final, Respondent, Robert N. Carnahan, should be disbarred. Rule 8.05, Texas Rules of Disciplinary Procedure.

As a result of the foregoing Findings of Fact and Conclusions of Law, the Board of Disciplinary Appeals entered an Interlocutory Order of Suspension on or about May 12, 2003, which provided in pertinent part that Respondent's license to practice law would be suspended pending the outcome of his appeal of the conviction and that, upon conclusion of his appeal and in the event that

the conviction became final, Respondent would be disbarred.

As a result of the appeal by Respondent of the criminal conviction, a Mandate affirming the Judgment in the criminal case was issued by Thirteenth Court of Appeals on or about March 6, 2006.

The Judgment in the criminal case has now become final.

On the 3 day of AUGUST 2006, came on to be heard Petitioner's Motion for Entry of Judgment of Disbarment. The Board, having considered such Motion, finds that said Motion should be in all things GRANTED.

The Board finds that Respondent's conviction for which he was sentenced in the 347th District Court of Nueces County, Texas, has become final and that a judgment of disbarment should be entered.

It is, accordingly, ORDERED, ADJUDGED, AND DECREED that Respondent, Robert N. Carnahan, State Bar Card No. 03826000, 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, Robert N. Carnahan, 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, Robert N. Carnahan, 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, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, Robert N. Carnahan, shall immediately notify each of his current clients, 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 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, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, Robert N. Carnahan, immediately surrender his

Texas law license and permanent State Bar Card to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P. O. Box 12487, Capitol Station, 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 3 day of AUGUST 2006.



Chair Presiding
BOARD OF DISCIPLINARY APPEALS