

IN THE
SUPREME COURT OF TEXAS
IN THE MATTER OF
MICHAEL JEFFERY SPAIN
MISC. DOCKET NO. 92- 0089

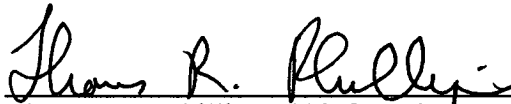
ORDER

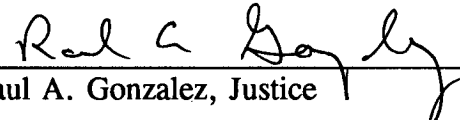
On this day, the Court considered the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Michael Jeffery Spain, together with the Concurring Motion of the State Bar of Texas, and the Certification of the General Counsel of the State Bar of Texas. The Court has reviewed said Motions and Certification and finds each to be legally sufficient. The Court, being advised that such resignation is tendered in lieu of disciplinary action, and being of the opinion that such resignation is in the public interest and will meet the ends of justice, hereby concludes that the following order is appropriate.

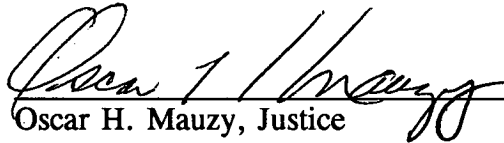
IT IS ORDERED that the Law License of Michael Jeffery Spain, State Bar Card No. 18869805, heretofore issued by this Court, be cancelled and his name be dropped and deleted from the list of persons licensed to practice law in Texas.

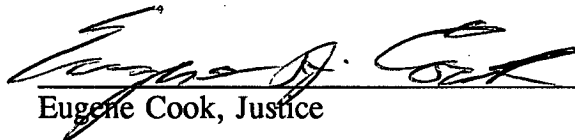
IT IS FURTHER ORDERED that Michael Jeffery Spain is permanently enjoined from practicing law in Texas, holding himself out as an attorney at law, performing any legal services for others, accepting any fee directly or indirectly for legal services, appearing as counsel or in any representative capacity 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."


By the Court, en banc, in chambers, on this 14th day of August,
1992.

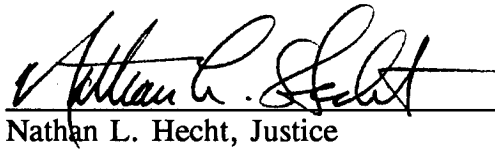

Thomas R. Phillips, Chief Justice

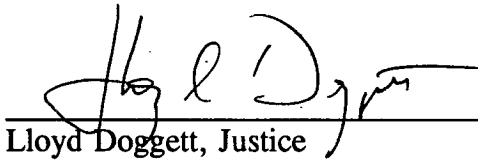

Raul A. Gonzalez, Justice

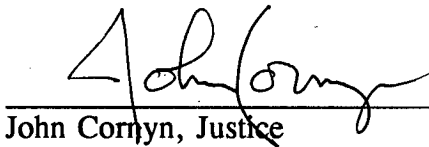

Oscar H. Mauzy, Justice

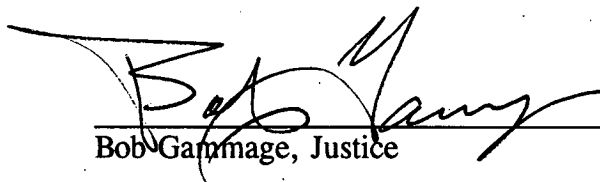

Eugene Cook, Justice


Jack Hightower, Justice


Nathan L. Hecht, Justice


Lloyd Doggett, Justice


John Cornyn, Justice


Bob Gammage, Justice

STATE BAR OF TEXAS



Office of the General Counsel

July 22, 1992

INTER AGENCY MAIL

Mr. John T. Adams, Clerk
Supreme Court of Texas
Price Daniel, Sr. Building
Austin, Texas 78711

Re: No. 18869805 Michael Jeffery Spain, Resignation

Dear Mr. Adams:

Please find enclosed herewith the following concerning the referenced attorney:

- (1) Motion for Acceptance of Resignation as Attorney and Counselor at Law of Michael Jefferey Spain;
- (2) Concurring Motion for Acceptance of Resignation as Attorney and Counselor at Law of Michael Jeffery Spain;
- (3) Certification of the General Counsel of the State Bar of Texas regarding Michael Jeffery Spain;
- (4) Original and one copy of proposed Order;
- (5) Original bar card of Michael Jeffery Spain; and,
- (6) Original law license of Michael Jeffery Spain.

I would appreciate your bringing this matter to the Court's attention. Please return a signed copy of the Court's Order once the original of same has been signed.

Sincerely,

A handwritten signature in black ink, appearing to read "J.M. McCormack", is written over the typed name.

James M. McCormack
General Counsel

JMM/lam
Enclosure

IN THE SUPREME COURT OF TEXAS
MOTION FOR ACCEPTANCE OF RESIGNATION AS
ATTORNEY AND COUNSELOR AT LAW

OF

MICHAEL JEFFERY SPAIN

TO THE HONORABLE SUPREME COURT OF TEXAS:

Movant, Michael Jeffery Spain, moves the Court to accept his resignation as an Attorney and Counselor at Law, showing the Court:

I.

Movant hereby resigns as an Attorney and Counselor at Law in lieu of disciplinary sanction for having been convicted of a serious crime pursuant to the State Bar Rules.

II.

Movant attaches hereto and hereby surrenders his law license and permanent State Bar Card issued by the Court on May 6, 1988.

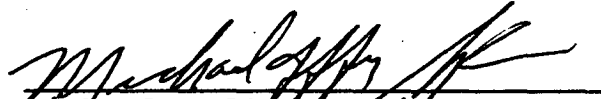
III.

Movant's State Bar Card number is 18869805. Movant's current address is #46309-080 MEMPHIS UNIT P.O. BOX 34550; MEMPHIS, TN 38134.

Movant prays that the Court accept his resignation as an Attorney and Counselor at Law and drop his name from the list of persons licensed to practice law in the State of Texas.

Respectfully submitted,

4-21-92
Date


Michael Jeffery Spain

IN THE SUPREME COURT OF THE STATE OF TEXAS

**CONCURRING MOTION FOR ACCEPTANCE OF RESIGNATION AS
ATTORNEY AND COUNSELOR AT LAW**

**OF
MICHAEL JEFFERY SPAIN**

TO THE HONORABLE SUPREME COURT OF TEXAS:

Movant, the State Bar of Texas, moves the Court to accept the Resignation of Michael Jeffery Spain as Attorney and Counselor at Law, showing the Court:

I.

On or about February 2, 1992, Respondent, Michael Jeffery Spain, was committed to the custody of the United States Bureau of Prisons for a term of eighty-four (84) months for a felony offense involving moral turpitude, to wit: interstate travel with intent to commit murder, in Cause No. MO-91-CR-073, styled United States of America v. Michael Jeffery Spain, upon the docket of the United States District Court, Western District of Texas. A copy of the Judgment in a Criminal Case is attached hereto, marked Exhibit "A" and incorporated herein by reference for all purposes.

II.

Movant would respectfully show that interstate travel with intent to commit murder is a "serious crime" as defined in Article X, §26 of the State Bar Rules.


III.

Movant would respectfully show that as a matter of law, pursuant to State Bar Act, Tex. Gov't Code Ann., §81.078 (Vernon 1988), an order of disbarment be entered on proof of a final conviction of any felony involving moral turpitude.

IV.

Movant prays that the Court accept the resignation of Michael Jeffery Spain as an Attorney and Counselor at Law and drop his name from the list of persons licensed to practice law in the State of Texas.

Respectfully submitted,



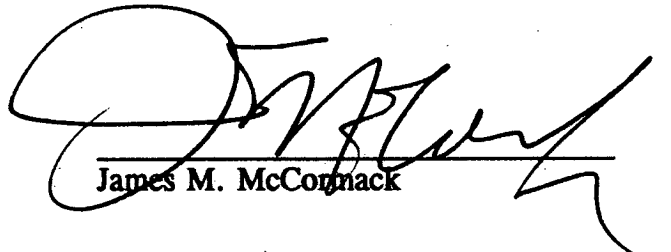
James M. McCormack
General Counsel
State Bar of Texas

IN THE SUPREME COURT OF THE STATE OF TEXAS

CERTIFICATION OF THE GENERAL COUNSEL
OF THE
STATE BAR OF TEXAS
REGARDING
MICHAEL JEFFERY SPAIN

TO THE HONORABLE SUPREME COURT OF TEXAS:

I, James M. McCormack, General Counsel of the State Bar of Texas, in accordance with the Rules Governing the State Bar of Texas art. X, §15, hereby certify that there is not currently pending any disciplinary action against Michael Jeffery Spain, State Bar Card No. 18869805. On or about February 2, 1992, Respondent, Michael Jeffery Spain, was convicted of a felony offense involving moral turpitude, to wit: interstate travel with intent to commit murder, and was committed to the custody of the United States Bureau of Prisons for a term of eighty-four (84) months. As a matter of law pursuant to State Bar Act, Tex. Gov't Code Ann., §81.078 (Vernon 1988), Michael Jeffery Spain should be disbarred. In view of Michael Jeffery Spain's execution on or about April 21, 1992, of his resignation as an attorney and counselor at law, and in anticipation of the court's acceptance of the same, the General Counsel does not anticipate the filing of a compulsory disciplinary suit.



James M. McCormack