

# PUBLIC MATTER

**FILED**

1 STATE BAR OF CALIFORNIA  
 OFFICE OF THE CHIEF TRIAL COUNSEL  
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JUN 16 2014  
 STATE BAR COURT  
 CLERK'S OFFICE  
 LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

12	In the Matter of:	)	Case No. 14-O-00412
13	ROBERT ALAN MURRAY,	)	NOTICE OF DISCIPLINARY CHARGES
14	No. 228691,	)	
15	A Member of the State Bar.	)	

**NOTICE - FAILURE TO RESPOND!**

**IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL:**

- 19 (1) **YOUR DEFAULT WILL BE ENTERED;**
- 20 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW;**
- 21 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION AND THE DEFAULT IS SET ASIDE, AND;**
- 22 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE. SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN ORDER RECOMMENDING YOUR DISBARMENT WITHOUT FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ., RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. ROBERT ALAN MURRAY ("Respondent") was admitted to the practice of law in  
4 the State of California on December 3, 2003, was a member at all times pertinent to these  
5 charges, and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 14-O-00412  
8 Business and Professions Code section 6106  
[Moral Turpitude – Misrepresentation/Falsification of Evidence]

9 2. On or about October 21, 2013, while he was the assigned prosecutor in the case  
10 entitled *People of the State of California v. Efrain Velasco-Palacios*, Kern County Superior  
11 Court Case No. TF006398A, Respondent sent discovery to the defendant's attorney, which  
12 included an English translation of the defendant's Spanish recorded statement, but where  
13 Respondent added the following statements which he knew were not part of the interview, which  
14 implied that the suspect had had sexual intercourse/penetration with the victim:

15 "[Officer]: You're so guilty you child molester.

16 "[Suspect]: I know. I'm just glad she's not pregnant like her mother."

17 Respondent knew that the defendant had not made those statements at the time he sent them to  
18 the defendant's attorney, which was an act of moral turpitude, dishonesty or corruption in willful  
19 violation of Business and Professions Code section 6106.

20 COUNT TWO

21 Case No. 14-O-00412  
22 Business and Professions Code section 6068(a)  
[Failure to Comply With Laws]

23 3. On or about October 21, 2013, while he was the assigned prosecutor in the case  
24 entitled *People of the State of California v. Efrain Velasco-Palacios*, Kern County Superior  
25 Court Case No. TF006398A, Respondent sent discovery to the defendant's attorney, which  
26 included an English translation of the defendant's Spanish recorded statement, but where  
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1 Respondent added the following statements which he knew were not part of the interview, which  
2 implied that the suspect had had sexual intercourse/penetration with the victim:

3 “[Officer]: You’re so guilty you child molester.

4 “[Suspect]: I know. I’m just glad she’s not pregnant like her mother.”

5 By sending the English translation of the defendant’s Spanish recorded statement to the  
6 defendant’s attorney, Respondent violated the defendant’s due process rights under the  
7 Fourteenth Amendment to the United States Constitution and Respondent violated defendant’s  
8 right to counsel under the Sixth Amendment to the United States Constitution. Respondent  
9 thereby wilfully violated Business and Professions Code section 6068(a) by failing to support the  
10 Constitution and laws of the United States and of this state.

11 COUNT THREE

12 Case No. 14-O-00412  
13 Business and Professions Code section 6068(a)  
14 [Failure to Comply With Laws]

15 4. On or about October 21, 2013, while he was the assigned prosecutor in the case  
16 entitled *People of the State of California v. Efrain Velasco-Palacios*, Kern County Superior  
17 Court Case No. TF006398A, Respondent sent discovery to the defendant’s attorney, which  
18 included an English translation of the defendant’s Spanish recorded statement, but where  
19 Respondent added the following statements which he knew were not part of the interview, which  
20 implied that the suspect had had sexual intercourse/penetration with the victim:

21 “[Officer]: You’re so guilty you child molester.

22 “[Suspect]: I know. I’m just glad she’s not pregnant like her mother.”

23 By sending the English translation of the defendant’s Spanish recorded statement to the  
24 defendant’s attorney, Respondent violated Penal Code section 1054.1, subdivisions (b), (c), (e)  
25 and (f) and Penal Code section 1054.7. Respondent thereby wilfully violated Business and  
26 Professions Code section 6068(a) by failing to support the Constitution and laws of the United  
27 States and of this state.

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**NOTICE - INACTIVE ENROLLMENT!**

**YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT.**

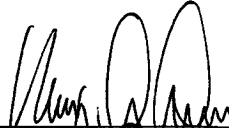
**NOTICE - COST ASSESSMENT!**

**IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.**

Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: June 16, 2014

By:   
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Kimberly G. Anderson  
Senior Trial Counsel

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**DECLARATION OF SERVICE BY CERTIFIED MAIL**

**CASE NUMBER: 14-O-00412**

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles, on the date shown below, a true copy of the within

**NOTICE OF DISCIPLINARY CHARGES**

in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 7196 9008 9111 1006 9989, at Los Angeles, on the date shown below, addressed to:


**Robert Alan Murray  
Civic Center Justice Building  
1215 Truxtun Ave. 4th Fl.  
Bakersfield, CA 93301**

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: June 16, 2014

Signed:   
Lupo Pacheco  
Declarant