

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

BRIAN NEIL GREENSPOON,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File
No. 2015-50,515(17A)

NOTICE OF DETERMINATION OR JUDGMENT OF GUILT

COMES NOW, The Florida Bar, and files this Notice of Determination or Judgment of Guilt, pursuant to Rule 3-7.2(f), Rules of Discipline of The Florida Bar and says:

1. Respondent is a member of The Florida Bar, admitted on September 26, 2003.

2. In the case styled *State v. Brian Neil Greenspoon*, Case No. 2014CF009805AMB-2287CF10A, in the Circuit Court for the Fifteenth Judicial Circuit Palm Beach County, Florida on or about September 17, 2014, a criminal Information was filed against respondent.

3. Respondent was charged with one count of unlawful solicitation in violation of Florida Statutes Section 817.234(8)(b). Such charge is a 3rd degree felony under Florida Law.

4. Respondent, on or about October 28, 2013, met with Stacy Mooney who had been involved in a motor vehicle accident on October 15, 2013.

5. During such meeting respondent did solicit or cause to be solicited business from a person (Stacy Mooney) involved in a motor vehicle accident by any means of communication other than advertising directed to the public for the purpose of making motor vehicle tort claims or claims for personal injury protection benefits within 60 days after the occurrence of the motor vehicle accident, contrary to Florida Statute 817.234(8)(b).

6. On or about October 5, 2015, respondent entered a plea of *nolo contendere* to one count of unlawful solicitation in violation of Florida Statutes Section 817.234(8)(b).

7. Adjudication was withheld and respondent was sentenced to 18 months probation and 150 hours of community service. Copies of the documents on which the determination or judgment is based are attached hereto and incorporated herein as **Exhibit A**.

8. However, the sentence was not imposed until January 6, 2016. Copies of the documents on which the determination or judgment is based are attached hereto and incorporated herein as **Exhibit B**.

WHEREFORE, The Florida Bar respectfully requests that this Court enter an order:

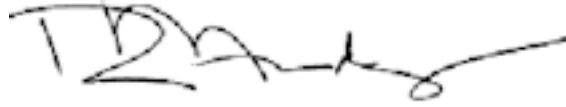
1. Finding respondent guilty of violating Rule 4-8.4(b) [A lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects.] of the Rules Regulating The Florida Bar;

2. Suspending respondent pursuant to Rule 3-7.2(f), Rules of Discipline of The Florida Bar;

3. Ordering respondent to furnish a copy of the suspension order to all clients, opposing counsel and courts before which he is counsel of record as required by Rule 3-5.1(h) of the Rules of Discipline of The Florida Bar and to furnish staff counsel with the requisite affidavit listing all clients, counsel and courts so informed within 30 days after receipt of the Court's order; and

4. Appointing or directing the appointment of a referee to conduct a hearing on sanctions pursuant to Rule 3-7.2(h), Rules of Discipline of The Florida Bar.

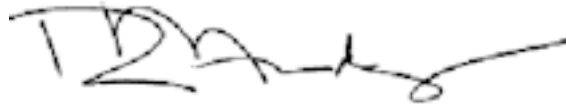
Respectfully submitted,



Roberto Mendez, Bar Counsel
The Florida Bar
Ft. Lauderdale Branch Office
Lake Shore Plaza II
1300 Concord Terrace, Suite 130
Sunrise, Florida 33323
(954) 835-0233
Florida Bar No. 814660
rmendez@flabar.org

CERTIFICATE OF SERVICE

I certify that this Notice of Determination or Judgment of Guilt has been Efiled with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida with a copy provided via email to Juan Carlos Arias, Counsel for Respondent, at jarias@VDAtriallawyers.com; using the Efiling Portal and that a copy has been furnished to Staff Counsel, The Florida Bar, at her designated email address of aquintel@flabar.org, on this 26th day of January, 2016.



Roberto Mendez, Bar Counsel

**FIFTEENTH JUDICIAL CIRCUIT IN AND FOR PALM BEACH COUNTY, FLORIDA
PLEA IN THE CIRCUIT COURT
THE FOLLOWING IS TO REFLECT ALL TERMS OF THE NEGOTIATED SETTLEMENT**

Name: Last: Greenspoon First: Brian M.I.: _____

Plea: Guilty Guilty/Best Interest _____ Nolo Contendere

| Case No. | Charge | Count | Lesser | Degree |
|-------------------|---|----------|----------|----------|
| <u>14CF009303</u> | <u>Unlawful Solicitation</u> <u>817.23(6)(b)</u> | <u>1</u> | <u>N</u> | <u>F</u> |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |

State to Nolle Prose the following at sentencing: _____

PS: Waived/Not Required Required/Requested _____

ADJUDICATION: Adjudicate [] as to Count(s) _____ Withhold as to Count(s) 1

If the Defendant is convicted of possession, sale, trafficking or conspiracy to possess, sell or traffic in any controlled substance, Grand Theft of a motor vehicle, Grand Theft of motor vehicle parts, fleeing or eluding, driving under the influence, vehicular homicide, leaving the scene of an accident involving a death, or any felony in the commission of which a motor vehicle was used, the Defendant's driver's license shall be revoked by the Department of Highway Safety and Motor Vehicles for _____ year(s) pursuant to Court Order. The Clerk is directed to make the proper notifications.

SENTENCE:

\$ _____ Fine \$ _____ Court Costs \$ _____ Cost of Prosecution \$ _____ Public Defender Fees/Costs _____

Incarceration: _____ Days _____ Months _____ Years with credit for _____ days time served.

Defendant agrees that _____ days/months/years is the correct amount of credit and waives affirmative right to appeal any other credit the Defendant believes he/she may be entitled to.

_____ Defendant will provide two (2) samples of DNA in Court

PROBATION: 18 Months / Years - Drug Offender if checked []

ALL CONDITIONS OF PROBATION MUST BE SUCCESSFULLY COMPLETED NO LESS THAN 30 DAYS BEFORE PROBATION IS SCHEDULED TO TERMINATE UNLESS STATED BELOW. STANDARD CONDITIONS OF PROBATION HAVE BEEN EXPLAINED BY DEFENSE COUNSEL.

SPECIAL CONDITIONS OF PROBATION: Standard Court Costs

- A. Restitution as per the accompanying order. [] (check if ordered)
- B. Fine: \$ _____ Court Costs: \$ _____ Drug Trust Fund: \$ _____ Cost of Prosecution: \$ _____ Public Defender Fees/Costs: \$ _____
- C. Substance abuse evaluation and successful completion of any recommended treatment (check if ordered) (enroll within 30 days) If in custody, release only to _____.
- D. No possession or consumption of alcohol or drugs without a valid prescription with random testing at Defendant's expense [] (check if ordered)
- E. 150 hours of Community Service at a rate of no less than 10 hours per month.
- F. Incarceration: _____ Days _____ Months _____ Year, with credit for _____ days time served.
- G. Defendant will provide two (2) samples of DNA in Court

OTHER COMMENTS OR CONDITIONS:

The court will defer Imposition of the Withhold + Sentence for a Period 90 days (Jan 6, 2016)
The Defendant may petition for early termination of Probation at 9 months sentencing will be 4/6/16 at 8:30

CIRCUIT JUDGE _____
 ASSISTANT STATE ATTORNEY _____
 DATE 10/5/15

DATE _____
 DEFENSE ATTORNEY _____
 DATE 10/5/15

DEFENDANT _____
 DATE 10/5/15

Darius Moore appeal

IN THE CIRCUIT COURT, FIFTEENTH JUDICIAL CIRCUIT
 IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO: 2014CF009805AMB
 DIV: R
 OBJ# NUMBER:

STATE OF FLORIDA

v.

BRIAN NEIL GREENSPOON,
 W/M,
 06/19/1972, [REDACTED]

- PROBATION VIOLATOR
- COMMUNITY CONTROL VIOLATOR
- RETRIAL
- RESENTENCE

JUDGMENT

The above defendant being personally before this Court represented by ERIC VOLZ, P.A. (attorney)

| | | |
|--|---|---|
| <input type="checkbox"/> Having been tried and found guilty of the following crime(s): | <input type="checkbox"/> Having entered a plea of guilty to the following crime(s): | <input checked="" type="checkbox"/> Having entered a plea of nolo contendere to the following crime(s): |
|--|---|---|

| COUNT | CRIME | OFFENSE STATUTE NUMBER(S) | DEGREE |
|-------|-----------------------|---------------------------|--------|
| 1 | Unlawful Solicitation | 817.234(8)(b) | F3 |
| | | | |
| | | | |

and no cause having been shown why the Defendant should not be adjudicated guilty, IT IS ORDERED THAT the defendant is hereby ADJUDICATED GUILTY of the above crime(s).

and being a qualified offender pursuant to s. 943.325, the Defendant shall be required to submit DNA samples as required by law.

and good cause being shown: IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.

SENTENCE

STAYED The Court hereby stays and withholds imposition of sentence as to count(s) and places the Defendant on probation and/or Community Control under the supervision of the Dept. Of Corrections (conditions of probation set forth in separate order).

SENTENCE

DEFERRED The Court hereby defers imposition of sentence until

The Defendant in Open Court was advised of his right to appeal from the Judgment by filing notice of appeal with the Clerk of Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The defendant was also advised of his right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

DONE AND ORDERED in Open Court at Palm Beach County, Florida, this 6 day of Jan, 2016

CIRCUIT COURT JUDGE

FILED
 Circuit Criminal Department

JAN 06 2016

SHARON R. BOCK
 Clerk & Comptroller
 Palm Beach County

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IN THE CRIMINAL DIVISION OF THE CIRCUIT/COUNTY COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT OF FLORIDA,
IN AND FOR PALM BEACH COUNTY

CASE NO. 50-2014-CF-009805-AXXX-MB DIV. R: Felony - R (Circuit)

OBTS NUMBER: 5003371463

STATE OF FLORIDA

COMMUNITY CONTROL VIOLATOR

V

BRIAN NEIL GREEN SPOON
DEFENDANT

PROBATION VIOLATION

June 19, 1972

WHITE

Male

DATE OF BIRTH











RACE

GENDER

SOCIAL SECURITY NUMBER

The fingerprints below are those of said Defendant taken by Deputy Sheriff

P. Agum 7831

| 1. R. THUMB | 2. R. INDEX | 3. R. MIDDLE | 4. R. RING | 5. R. LITTLE |
|---|---|---|--|---|
|  |  |  |  |  |
| 6. L. THUMB | 7. L. INDEX | 8. L. MIDDLE | 9. L. RING | 10. L. LITTLE |
|  |  |  |  |  |

THE COURT CERTIFIES that the fingerprints shown above are those of the Defendant and were placed thereon by said Defendant in the Court's presence in Open Court at Palm Beach County, Florida, this 6th of January, 2016.

CIRCUIT/COUNTY COURT JUDGE

fga072
02/20151