

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	No. 972 Disciplinary Docket
Petitioner	:	No. 3 – Supreme Court
	:	
	:	No. 195 DB 2004 – Disciplinary Board
v.	:	
	:	Attorney Registration No. 24708
CHARLES C. WRIGHT	:	
Respondent	:	(Philadelphia)

REPORT AND RECOMMENDATIONS OF  
THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES  
OF THE SUPREME COURT OF PENNSYLVANIA:

Pursuant to Rule 208(d)(2)(iii) of the Pennsylvania Rules of Disciplinary Enforcement, the Disciplinary Board of the Supreme Court of Pennsylvania (“Board”) herewith submits its findings and recommendations to your Honorable Court with respect to the above-captioned Petition for Discipline.

I. HISTORY OF PROCEEDINGS

On February 1, 2005, Office of Disciplinary Counsel filed a Petition for Discipline against Charles C. Wright, Respondent. This matter arises out of Respondent’s conviction in the Court of Common Pleas of Philadelphia County of various crimes of sexual abuse of children related to possession of child pornography and dissemination of

sexually explicit materials to minors. Respondent was placed on temporary suspension by Order of the Supreme Court of Pennsylvania dated December 22, 2004. Respondent did not file an Answer to the Petition for Discipline.

A disciplinary hearing was held on July 26, 2005, before a District I Hearing Committee comprised of Chair Eugene D. McGurk, Jr., Esquire, and Members Mary Frances Ryan, Esquire, and Howell K. Rosenberg, Esquire. Respondent did not appear.

The Hearing Committee filed a Report on November 16, 2005, finding that Respondent engaged in professional misconduct as a result of his criminal conviction and recommending that he be disbarred.

No Briefs on Exceptions were filed by the parties.

This matter was adjudicated by the Disciplinary Board at the meeting on February 1, 2006.

## II. FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner, whose principal office is located at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania, is invested, pursuant to Pennsylvania Rule of Disciplinary Enforcement 207, with the power and duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various

provisions of said Rules of Disciplinary Enforcement.

2. Respondent, Charles C. Wright, was born in 1950 and was admitted to practice law in the Commonwealth in 1976. Respondent's attorney registration address is 1025 N. Lawrence St., Philadelphia PA 19123. Respondent is subject to the jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. Respondent has no prior history of discipline.

4. By Order dated December 22, 2004, the Supreme Court of Pennsylvania placed Respondent on temporary suspension and referred Respondent's criminal conviction matter to the Disciplinary Board, pursuant to Pa.R.D.E. 214(f)(1).

5. On March 9, 2003, a Winfield Illinois, Police Department detective conducting an undercover investigation and using the profile of a 15-year old female had two online chat room conversations on America On Line (AOL) with a subject using the screen name [Chukwright@aol.com](mailto:Chukwright@aol.com) with a member profile of a 25-year old single black male from the Philadelphia area. During these on-line conversations Chukwright asked questions of a sexual nature.

6. During the March 9, 2003 chat room conversations, Chukwright sent to the undercover detective 14 photo images. The images consisted of pictures of a nude prepubescent female, females approximately 9 and 14 years old naked with their genitals exposed, nude females under the age of 18, nude females of unknown age, a nude female performing oral sex on a male, and two photos of Chukwright nude from the waist down.

7. On April 5, 2003, the detective received an IM Instant Message from Chukwright asking if this was the same person that he had spoken with before. The detective answered in the affirmative. Over the next three hours, Chukwright sent to the detective 12 nude photo images: five nude females under the age of 18, three nude females of prepuberty age, three nude females approximately 18 years old, and one photo of two nude females of unknown age having intercourse with two nude males of unknown age.

8. Using credit card information, voter registration and Pennsylvania Bureau of Motor Vehicle records, the undercover detective investigating this matter was able to identify Respondent as Chukwright.

9. On May 27, 2003, Philadelphia police secured an arrest warrant for Respondent after completing an investigation.

10. On May 27, 2003, Philadelphia police arrested Respondent and charged him with sexual abuse of children and related offenses.

11. On September 24, 2003, Respondent pleaded guilty to the following crimes:

a. sexual abuse of children, dissemination of photographs, videotapes, computer depictions and films, 18 Pa.C.S.A. §6312(c), a felony of the third degree;

b. sexual abuse of children, possession of child pornography, 18 Pa.C.S.A. §6312(d), a felony of the third degree;

- c. obscene and other sexual materials and performances, disseminating to minors, 18 Pa.C.S.A. §5903(c), a felony of the third degree;
- d. criminal use of communication facility, 18 Pa.C.S.A. §7512, a felony of the third degree; and
- e. possessing instruments of crimes, 18 Pa.C.S.A. §907(a), a misdemeanor of the first degree.

12. On January 7, 2004, the Honorable Carolyn Engel Temin imposed the following sentence and conditions:

- a. on each of the crimes identified in ¶ 6(a), (b), and (c), supra, five years of probation to run concurrent;
- b. on the crimes of criminal use of communication facility, one year of probation to run concurrent with the other probation sentences;
- c. supervision by the Sex Offenders Unit;
- d. evaluation by the J.J. Peters Institute;
- e. 100 hours of community service;
- f. no unsupervised contact with children;
- g. no unsupervised employment with children; and
- h. court costs of \$234.50.

13. On August 18, 2004, Judge Temin held a Status-of-Compliance Hearing, during which Respondent admitted to participating in phone sex chat lines.

14. During the August 18 status hearing, Judge Temin added to Respondent's conditions of probation that he have no contact with phone sex chat lines.

15. Based on Respondent's criminal convictions, he is a registered sex offender.

16. Each of the felonies of which Respondent was convicted is punishable by imprisonment of up to seven years, and the misdemeanor is punishable by imprisonment of up to five years. Each of the five crimes is a "serious" crime " as defined by Pa.R.D.E. 203(b)(1).

17. Respondent failed to report his conviction to the Secretary of the Disciplinary Board within 20 days after the date of his sentence, as required by Pa.R.D.E. 214(a).

18. Respondent is a member of the bar of the United States Supreme Court, the United States District Court of New Jersey and the United States District Court for the Eastern District of Pennsylvania.

19. Respondent failed to report his conviction to these courts.

20. On April 15, 2005, Respondent was personally served with the Petition for Discipline by Robert M. Rancitelli, an Investigator with the Office of Disciplinary Counsel.

21. Respondent did not file an Answer to the Petition for Discipline.

22. Respondent did not appear at the pre-hearing conference or the hearing. He was sent notice of the hearings by certified and regular mail from the Secretary of the Disciplinary Board. The regular mail was not returned.

23. Respondent received proper notice of the hearings.

### III. CONCLUSIONS OF LAW

By his conduct as set forth above, Respondent violated the following Rules of Professional Conduct:

1. Pa.R.D.E. 203(b)(1), which provides that conviction of a crime, which under Enforcement Rule 214 may result in suspension, shall be grounds for discipline.

2. Pa.R.D.E. 214(a) - An attorney convicted of a serious crime shall report the fact of such conviction to the Secretary of the Board within 20 days after the date of sentencing.

### IV. DISCUSSION

This matter is before the Disciplinary Board for consideration of the appropriate sanction to be imposed on Respondent in light of his conviction of sexual abuse of children, dissemination of photographs, videotapes, computer depictions and films; sexual abuse of children, possession of child pornography; obscene and other sexual

materials and performances, dissemination to minors; criminal use of communication facility; and possessing instruments of crimes. These crimes constitute serious crimes pursuant to Rule of Disciplinary Enforcement 214(i) and provide a per se basis for discipline.

Respondent failed to file an Answer to the Petition for Discipline and all factual allegations contained in the Petition for Discipline were deemed admitted. Respondent further failed to appear for the pre-hearing conference and the disciplinary hearing. The evidence of record demonstrates that Respondent was personally served with the Petition for Discipline and received proper notice of the hearings.

The sole issue before the Board is the extent of discipline to be imposed. Respondent was convicted of four felonies and one misdemeanor. There is no question that this is an extremely serious matter, involving as it does the crime of sexual abuse of children. Respondent is a publicly registered sexual offender. His conduct is reprehensible and falls outside of societal norms. Additionally, Respondent failed to report his conviction to the Disciplinary Board. To permit an attorney with such a criminal background to continue practicing law would severely tarnish the public's perception of the legal system in this Commonwealth. This Board would be remiss if it did not restrict Respondent's professional contact with the general public.

In determining the appropriate level of discipline, consideration must be given to aggravating and mitigating factors present in the case. Respondent's failure to participate in any facet of the proceedings against him is a major aggravating factor. By

failing to appear at the hearing, Respondent lost his opportunity to put forth any mitigation. As the record stands, the Board can discern no mitigating factors but for Respondent's clean history of practicing law since 1976. In this egregious case, an unblemished record does little to counterbalance the weight of the charges against Respondent.

In reaching a recommendation in this matter, the Board has reviewed prior cases addressing criminal convictions for sexual misconduct involving minors. In the matter of Office of Disciplinary Counsel v. Christie, 639 A.2d 782 (Pa. 1994), the Supreme Court suspended Respondent Christie for five years as a result of his conviction of various misdemeanor sex offenses including sexual harassment, indecent exposure, endangering the welfare of a child, and unlawfully dealing with a child. Respondent Christie invited two male minors, aged 12 and 14, to his home, served them alcohol, showed them adult videotapes, and masturbated in their presence. Respondent Christie met the Braun standard for mitigation by proving that his psychiatric disorder substantially caused his misconduct. Office of Disciplinary Counsel v. Braun, 553 A.2d 894 (Pa. 1989). Furthermore, Respondent Christie fully cooperated with the disciplinary authorities. The presence of mitigating factors persuaded the Court to impose a five year suspension instead of disbarment. The absence of such mitigating factors in the instant matter likewise persuades this Board that disbarment is the appropriate sanction.

V.           RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, Charles C. Wright be Disbarred retroactive to December 22, 2004.

It is further recommended that the expenses incurred in the investigation and prosecution of this matter are to be paid by the Respondent.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

By: \_\_\_\_\_  
Marvin J. Rudnitsky, Board Chair

Date: March 1, 2006

PER CURIAM:

AND NOW, this 15<sup>th</sup> day of May, 2006, upon consideration of the Report and Recommendations of the Disciplinary Board dated March 1, 2006, it is hereby

ORDERED that Charles C. Wright be and he is disbarred from the Bar of this Commonwealth retroactive to December 22, 2004, and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

It is further ORDERED that respondent shall pay costs to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.