

No. 2008-OB-0255

IN RE: C. HUNTER KING

CALOGERO, Chief Justice, concurs and assigns reasons.

In this case, Respondent was interimsly suspended from the practice of law under Sup. Ct. Rule XIX, § 19, and formal charges have since been filed, based upon his plea of guilty to a violation of La. Rev. Stats. 14:26 and 14:138, a conviction that was later set aside under La. Code Crim. Proc. art. 893(E)(2).

The sole question presented to the court by Respondent's petition is whether the setting aside of his conviction pursuant to La. Code Crim. Proc. art. 893 is equivalent to a reversal of his conviction for purposes of Sup. Ct. Rule XIX, § 19(D). This court rejected that argument in *In re: Edwards*, 99-1825 (La. 7/2/99), 747 So. 2d 6. *See also Louisiana State Bar Ass'n v. Porterfield*, 550 So.2d 584 (La. 1989). Because a reversal of the conviction is the singular ground for automatic reinstatement under Sup. Ct. Rule XIX, § 19(D), Respondent's petition for automatic reinstatement from interim suspension under that provision is properly denied.

Furthermore, because disciplinary proceedings have only just formally commenced, we are not at this time being asked to consider any recommended discipline by the Disciplinary Board. Thus, the action of the court today is not a decision on the appropriate sanction for the alleged misconduct.