

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2286 Disciplinary Docket No. 3
: :
Petitioner : No. 109 DB 2016
: :
v. : Attorney Registration No. 88996
: :
JOHN MARCUS FRANKLIN, JR. : (Philadelphia)
: :
Respondent :

ORDER

PER CURIAM

AND NOW, this 27th day of February, 2017, upon consideration of the Verified Statement of Resignation, John Marcus Franklin, Jr., is disbarred on consent from the Bar of the Commonwealth of Pennsylvania, see Pa.R.D.E. 215, and he shall comply with the provisions of Pa.R.D.E. 217. Respondent shall pay costs to the Disciplinary Board pursuant to Pa.R.D.E. 208(g).

A True Copy Patricia Nicola
As Of 2/27/2017

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

**BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL	:	No. 2286 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 109 DB 2016
v.	:	
	:	Attorney Registration No. 88996
JOHN MARCUS FRANKLIN, JR.	:	
Respondent	:	(Philadelphia)

RESIGNATION BY RESPONDENT

Pursuant to Rule 215
of the Pennsylvania Rules of Disciplinary Enforcement

BEFORE THE DISCIPLINARY BOARD OF
THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2286 Disciplinary Docket No. 3
Petitioner :
 : No. 109 DB 2016
v. :
 : File Nos.: C1-15-821 and C2-16-473
JOHN MARCUS FRANKLIN, JR., :
Respondent : Attorney Registration No. 88996
 :
 : (Philadelphia County)

RESIGNATION
UNDER Pa.R.D.E. 215

John Marcus Franklin, Jr., hereby tenders his unconditional resignation from the practice of law in the Commonwealth of Pennsylvania in conformity with Pa.R.D.E. 215 ("Enforcement Rules") and further states as follows:

1. He is an attorney admitted in the Commonwealth of Pennsylvania, having been admitted to the bar on or about September 20, 2002. His attorney registration number is 88996.
2. He desires to submit his resignation as a member of said bar.
3. His resignation is freely and voluntarily rendered; he is not being subjected to coercion or duress and he is fully aware of the implications of submitting this resignation.
4. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He ^{PM?}has not retained, consulted with and acted upon the advice of counsel in connection with his decision to execute the within resignation.
5. He is aware that there are presently pending disciplinary proceedings instituted against him pursuant to Rule 214, Pa.R.D.E. relating to his criminal conviction in the Bucks County Court of Common Pleas at Docket Number CR-0004618-2016.

FILED

2/8/2017

The Disciplinary Board of the
Supreme Court of Pennsylvania

6. He acknowledges that the material facts which form the basis for his criminal matter are true and that he has entered a plea of guilty to one count of Theft By Deception – False Impression and one count of Unlawful Use of Computer – Access to Disrupt Normal Function from the Criminal Information. A true and correct copy of the Criminal Information is attached hereto as Exhibit A and a true and correct copy of the Sentence Sheet is attached hereto as Exhibit B.

7. He acknowledges that at least one of the crimes to which he has pled guilty is punishable by imprisonment.

8. He acknowledges that he is currently incarcerated in the Bucks County Correctional Facility for a minimum of eleven and one-half months.

9. He acknowledges that the conviction constitutes a *per se* ground for discipline under Rule 203(b)(1), Pa.R.D.E.

10. He acknowledges that under Rule 214(f)(1), Pa.R.D.E., he would be entitled to the institution of a formal proceeding before a hearing committee in which the sole issue to be determined would be the extent of discipline to be imposed.

11. He submits the within resignation because he knows that he could not successfully defend himself against the charges of professional misconduct that are being brought in connection with his conviction.

12. He is fully aware that the submission of this Resignation Statement is irrevocable and that he can only apply for reinstatement to the practice of law pursuant to the provisions of Enforcement Rule 218(b) and (c).

13. He is aware that pursuant to Enforcement Rule 215(c) the fact that he has tendered his resignation shall become a matter of public record immediately upon delivery of the resignation

statement to Disciplinary Counsel or the Secretary of the Board.

14. Upon entry of the order disbaring him on consent, he will promptly comply with the notice, withdrawal, resignation, trust account, and cease-and-desist provisions of Enforcement Rule 217(a), (b), (c) and (d).

15. After entry of the order disbaring him on consent, he will file a verified statement of compliance as required by Enforcement Rule 217(e)(1).

16. He is aware that the waiting period for eligibility to apply for reinstatement to the practice of law under Enforcement Rule 218(b) shall not begin until he files the verified statement of compliance required by Enforcement Rule 217(e) (1), and if the order of disbarment contains a provision that makes the disbarment retroactive to an earlier date, then the waiting period will be deemed to have begun on that earlier date.

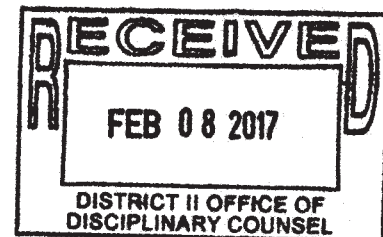
It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S. §4904 (relating to unsworn falsification to authorities).

Signed this 4th day of February, 2017.



John Marcus Franklin, Jr.

WITNESS: Angel M Rivera Jr



CRT

Commonwealth of Pennsylvania
Court of Common Pleas
County of Bucks
7th Judicial District



INFORMATION

Commonwealth of Pennsylvania
v.
John Marcus Franklin

Docket No: CP-09-CR-0004618-2016

RECEIVED
CLERK OF COURTS
CRIMINAL DIVISION
BUCKS COUNTY, PA
AUG - 9 9 2011

The Attorney for the Commonwealth of Bucks County by this information charges that in the County of Bucks, Pennsylvania, John Marcus Franklin:

COUNT 1: Theft By Decep-False Impression - (F3)

Offense Date: 03/03/2011 18 § 3922 §§ A1

From March 3, 2011 through February 5, 2014, intentionally obtained or withheld property, to wit, US Currency, of another, namely, Mark Friel, by creating or reinforcing a false impression, including false impressions as to law, value, intention, or other state of mind

COUNT 2: Forgery - Unauthorized Act in Writing - (F3)

Offense Date: 03/03/2011 18 § 4101 §§ A2

From March 3, 2011 through February 5, 2014, with intent to defraud or injure another, namely, Mark Friel, or with knowledge that he or she was facilitating a fraud or injury to be perpetrated by another, made, completed, executed, authenticated, issued, or transferred a writing so that it purported to be the act of another who did not authorize that act, or have been executed at a time or place, or in a numbered sequence, other than was in fact the case, or to be a copy of an original when no such original existed; the writing was or purported to be a will, deed, contract, release, commercial instrument, or other document evidencing, creating, transferring, altering, terminating, or otherwise affecting legal relations

COUNT 3: Unlaw. Use of Computer - Access to Disrupt Funct. - (F3)

Offense Date: 03/03/2011 18 § 7811 §§ A1

From March 3, 2011 through February 5, 2014, accessed or exceeded authorization to access, altered, damaged, or destroyed a computer, computer system, computer network, computer software, computer program, computer database, world wide web site, or telecommunication device, or a part thereof, with the intent to interrupt the normal functioning of a person, or to devise or execute a scheme or artifice to defraud or deceive or control property or services by means of false or fraudulent pretenses, representations, or promises

COUNT 4: Dec Bus Pract - Sale Less Than Quant - (F3)

Offense Date: 03/03/2011 18 § 4107 §§ A2

From March 3, 2011 through February 5, 2014, intentionally, knowingly, or recklessly sold, offered, or exposed for sale, or delivered, less than the represented quantity of a commodity or service: the amount involved exceeded \$2,000

- Citation of Statute and Section:
- 1 18 § 3922 §§ A1 (F2)
 - 2 18 § 4101 §§ A2 (F3)
 - 3 18 § 7811 §§ A1 (F3)
 - 4 18 § 4107 §§ A2 (F3)

Commonwealth of Pennsylvania
Court of Common Pleas
County of Bucks
7th Judicial District



INFORMATION

Commonwealth of Pennsylvania
v.
John Marcus Franklin

Docket No: CP-09-CR-0004618-2010

The Attorney for the Commonwealth of Bucks County by this information charges that in the County of Bucks, Pennsylvania, John Marcus Franklin:

All of which is against the Act of Assembly and the peace and dignity of the Commonwealth.

A handwritten signature in cursive script, reading "David W. Hecker".

Bucks County District Attorney
David W. Hecker

BUCKS COUNTY CRIMINAL COURT SHEET

COMMONWEALTH OF PENNSYLVANIA

Page _____ of _____

John Franklin/s/

Date: 1/20/12

Information No: 41018-2016

Judge: Foley

OTN: 17954450

ADA: Gambardino

Voir Dire Time: _____ Hrs. _____ Mins

Def: NLF

Trial Time: _____ Hrs. 30 Mins

Notes: MIV

Clerk: Patricia

Victims:
 Mark Friel/s/
 Leo Razzisi/s/
 Doug Prober/s/
 Franklin/s/
 Eric Londani/s/ -> Witness

- | | | | |
|--|---|--|--|
| <input type="checkbox"/> Arraignment | <input type="checkbox"/> Section 17 | <input type="checkbox"/> Warrant Rescinded | <input type="checkbox"/> Defendant GUILTY Counts _____ |
| <input type="checkbox"/> Call of the List | <input type="checkbox"/> Colloquy | <input type="checkbox"/> Nol Pros-Counts _____ | <input type="checkbox"/> Defendant NOT GUILTY Counts _____ |
| <input type="checkbox"/> Guilty Plea | <input type="checkbox"/> Nolo Plea | <input type="checkbox"/> Bench Warrant Ordered | <input type="checkbox"/> Sentence Deferred - REASON: _____ |
| <input type="checkbox"/> Jury Trial | <input type="checkbox"/> Non-Jury Trial | <input type="checkbox"/> Bail to be Forfeited | <input type="checkbox"/> OTHER: _____ |
| <input type="checkbox"/> ARD | <input type="checkbox"/> Parole App | <input type="checkbox"/> Bail Re-Instated | <input checked="" type="checkbox"/> Advised of Appellate Rights |
| <input checked="" type="checkbox"/> Sentencing | <input type="checkbox"/> Other _____ | <input type="checkbox"/> Bail Set _____ | <input type="checkbox"/> PSI: Waived <input type="checkbox"/> / Ordered <input type="checkbox"/> |
| <input type="checkbox"/> PCRA | <input type="checkbox"/> Bail Revoked | | <input type="checkbox"/> Defer Execution of Sentence to _____ |

SENTENCE: THE COURT ORDERS DEFENDANT:

- ARD for _____ months Section 17 for _____ months

Count 1 : to be placed on COUNTY/STATE PROBATION for _____ months/years
 to undergo imprisonment in BCC/SCI for not less than 11 1/2 mos nor more than 23 mos
 RRR1 NLT _____ to be served in a SCI (only) RRR1 ineligible Fine _____
 Concurrent / Consecutive to Count _____ Other: _____

Count 3 : to be placed on COUNTY/STATE PROBATION for 7 months/years
 to undergo imprisonment in BCC/SCI for not less than _____ nor more than _____
 RRR1 NLT _____ to be served in a SCI (only) RRR1 ineligible Fine _____
 Concurrent / Consecutive to Count 1 Other: _____

No Further Penalty on Counts: _____ of the Criminal Information.

Other: maintain full-time employment

rate of \$1,000.00 per month -> restitution to be paid
 -> ordered to CC, voluntarily - if clears to go fully to the restitution.

SPECIAL CONDITIONS:

- \$25,000 to be paid in full within 30 days. after 30 days of seeing his son in BCCF
- | | | |
|---|---|--|
| <input type="checkbox"/> Costs within _____ | <input type="checkbox"/> Costs waived (Δ Indigent) | <input type="checkbox"/> Summary Offenses: Statutory Costs and Fines |
| <input checked="" type="checkbox"/> Restitution: \$ <u>150,350.00</u> Payable to: <u>Mark Friel</u> | <input type="checkbox"/> Joint & several with _____ | |
| <input type="checkbox"/> Credit for Time Served _____ | <input type="checkbox"/> Transfer Supervision _____ | |
| <input type="checkbox"/> House Arrest: Screen for / Granted _____ | <input checked="" type="checkbox"/> Work Release: <u>Screen for / Granted</u> | |
| <input type="checkbox"/> Immediate Parole Granted | <input type="checkbox"/> Domestic Violence Program: Screen for / Ordered | <input type="checkbox"/> Sex Offender Supervision |
| <input type="checkbox"/> Parole at Minimum | <input type="checkbox"/> Anger Management Program: Screen for / Ordered | <input type="checkbox"/> Testify Truthfully if Called |
| <input type="checkbox"/> No Contact with Victim: _____ | <input type="checkbox"/> No Contact with Co-defendants | |
| <input type="checkbox"/> Drug & Alcohol/Mental Health Evaluation within _____ days and abide by recommendations | | |
| <input type="checkbox"/> Mental Health Treatment <input type="checkbox"/> Drug and Alcohol Treatment | <input type="checkbox"/> _____ Hours Community Service | |
| <input checked="" type="checkbox"/> Presumptive Parole Provided No Misconduct AND an acceptable, Verified Residence | <input type="checkbox"/> Letter of Apology | |
- MINIMUM

By the Court: [Signature]