

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2070 Disciplinary Docket No. 3
Petitioner :
 : No. 74 DB 2014
v. :
 : Attorney Registration No. 202187
DANIEL GREGORY SIMMONS, :
Respondent : (Out of State)

ORDER

PER CURIAM:

AND NOW, this 10th day of June, 2015, there having been filed with this Court by Daniel Gregory Simmons his verified Statement of Resignation dated May 26, 2015, stating that he desires to resign from the Bar of the Commonwealth of Pennsylvania in accordance with the provisions of Pa.R.D.E. 215, it is

ORDERED that the resignation of Daniel Gregory Simmons is accepted; he is disbarred on consent from the Bar of the Commonwealth of Pennsylvania, retroactive to July 3, 2014; 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 6/10/2015

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

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

OFFICE OF DISCIPLINARY COUNSEL	:	No. 2070 Disciplinary Docket No. 3
Petitioner	:	
	:	No. 74 DB 2014
v.	:	
	:	Attorney Registration No. 202187
DANIEL GREGORY SIMMONS	:	
Respondent	:	(Out of State)

RESIGNATION BY RESPONDENT

Pursuant to Rule 215
of the Pennsylvania Rules of Disciplinary Enforcement

Re: Office of Disciplinary Counsel
v. DANIEL GREGORY SIMMONS
No. 2070 Disciplinary Docket No. 3
No. 74 DB 2014
Attorney Registration No. 202187
(Out of State)

RECORD OF PRIOR DISCIPLINE

No prior discipline other than the temporary suspension entered by the Supreme Court in this same matter on July 3, 2014.

BEFORE THE DISCIPLINARY BOARD OF
THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2070 Disciplinary Dkt No. 3
Petitioner :
v. : No. 74 DB 2014
: Atty. Registration No. 202187
DANIEL GREGORY SIMMONS, :
Respondent : (Out of State)

RESIGNATION
UNDER Pa.R.D.E. 215

Daniel Gregory Simmons 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 May 16, 2006. His attorney registration number is 202187.

2. He was placed on Temporary Suspension by *Per Curiam* Order dated July 3, 2014.

3. He desires to submit his resignation as a member of said bar.

4. 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.

5. He is aware that there are presently pending investigations into allegations that he has been guilty of misconduct, based upon his conviction of a criminal charge as more fully set forth in the Plea Agreement, a true and correct copy of which is attached hereto and made a part hereof as "Exhibit A."

6. On March 23, 2015, he pled guilty in *State of Delaware v. Daniel G. Simmons*, Case No. 1405001416, Superior Court of Delaware, New Castle County, to the crime of Rape, 4th Degree, class C felony, 11 Del.C. § 770(a)(2), which conviction constitutes a *per se* ground for discipline under Rule 203(b)(1) of the Pennsylvania Rules of Disciplinary Enforcement.

7. He submits the within resignation because the said conviction stands as a *per se* ground for discipline under the Enforcement Rules, and because he is guilty of the crime.

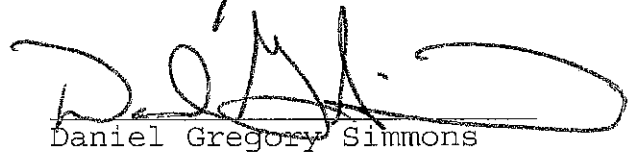
8. He is fully aware that submission of this Resignation Statement is irrevocable and that he can only apply for reinstatement to the practice of law pursuant to the provisions of Enforcement Rule 218(c).

9. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has retained counsel in connection with his decision to execute the within resignation.

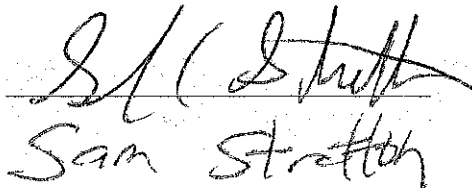
10. He requests that his disbarment be made retroactive to July 3, 2014, the date of the *Per Curiam* Order placing him on Temporary Suspension. He is advised that the Office of Disciplinary Counsel does not oppose this request. He understands that the decision to grant his request lies solely within the discretion of the Supreme Court of Pennsylvania.

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

Signed this 26th day of May, 2015.


Daniel Gregory Simmons

WITNESS:


Sam Stratten

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY**

PLEA AGREEMENT

State of Delaware v. Daniel G. Simmons

Case No(s): 1405001416

C.A. No(s): N14-05-0891 thru 0893

HABITUAL OFFENDER ELIGIBLE, Title 11 §4214(a) §4214(b) BOOT CAMP DIVERSION ELIGIBLE:

Title 16, §4751B – Prior qualifying Title 16 convictions

Title 21:

School Teacher or Administrator convicted of a crime as described in Title 11, §4101(e)

Title 11, §4120, §4121 – Risk Assessment Tier II Sex offender registration required

DUI BAC:

Title 11, §4336 – Sex offender notification required

No BAC

DEFENDANT WILL PLEAD: GUILTY TO:

Count	C.A. No.	Charge (If LIQ, Indicate and include applicable citation)
2	N14-05-0892	Rape 4 th Degree

Upon the sentencing of the defendant, a *nolle prosequi* is entered on:

all remaining charges on this indictment the following charges:

SENTENCE: State and Defendant request PSI Immediate Sentencing
Recommendation/Agreement: Open sentencing.

State and Defendant agree to the following:

Restitution: to be determined by Presentence Office

No contact with James Giardinelli and Matthew Coogan

Other Conditions:

Is this one page the complete Plea Agreement? Yes

I accept this Plea Agreement.

DAG Peggy J. Marshall
print name
Peggy J. Marshall
signature

DEF. COUNSEL *Engel J. Marshall*
print name
[Signature]
signature 3-23-2015
date

Date March 23, 2015

DEFENDANT *[Signature]*
signature 3-23-2015
date

I have reviewed this offer with counsel, have chosen not to accept this offer and understand that this offer will remain open until _____ and may not be extended again.

DEFENDANT _____
signature date