

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1483 Disciplinary Docket No. 3
Petitioner :
v. : Nos. 55 DB 2009 and 166 DB 2010
JOHN P. HALFPENNY, : Attorney Registration No. 85041
Respondent : (Montgomery County)

ORDER

PER CURIAM:

AND NOW, this 10th day of December, 2014, there having been filed with this Court by John P. Halfpenny his verified Statement of Resignation dated November 2, 2014, stating that he desires to resign from the Bar of the Commonwealth of Pennsylvania in accordance with the provisions of Rule 215, Pa.R.D.E., it is

ORDERED that the resignation of John P. Halfpenny is accepted; he is disbarred on consent from the Bar of the Commonwealth of Pennsylvania, retroactive to October 7, 2009; and he shall comply with the provisions of Rule 217, Pa.R.D.E. Respondent shall pay costs, if any, to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.

A True Copy Patricia Nicola
As Of 12/10/2014

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

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

OFFICE OF DISCIPLINARY COUNSEL	:	No. 1483 Disciplinary Docket No. 3
Petitioner	:	
	:	Nos. 55 DB 2009 & 166 DB 2010
v.	:	
	:	Attorney Registration No. 85041
JOHN P. HALFPENNY	:	
Respondent	:	(Montgomery County)

RESIGNATION BY RESPONDENT

Pursuant to Rule 215
of the Pennsylvania Rules of Disciplinary Enforcement

Re: Office of Disciplinary Counsel
v. JOHN P. HALFPENNY
No. 1483 Disciplinary Docket No. 3
Nos. 55 DB 2009 & 166 DB 2010
Attorney Registration No. 85041
(Montgomery County)

RECORD OF PRIOR DISCIPLINE

None

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

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 1483 Disciplinary Docket
Petitioner	:	No. 3
	:	
v.	:	Nos. 55 DB 2009 & 166 DB 2010
	:	
	:	Attorney Reg. No. 85041
JOHN P. HALFPENNY,	:	
Respondent	:	(Montgomery County)

**RESIGNATION
UNDER RULE 215, Pa.R.D.E.**

JOHN P. HALFPENNY hereby tenders his resignation from the practice of law in the Commonwealth of Pennsylvania in conformity with Rule 215, Pa.R.D.E. and further states as follows:

1. He is a formerly admitted attorney, having been admitted to the bar of the Commonwealth of Pennsylvania on March 22, 2000. His attorney registration number is 85041. By Order dated October 7, 2009, he was placed on temporary suspension.
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 is aware that there are disciplinary proceedings pending against him pursuant to Rule 214, Pa.R.D.E. relating to his felony and misdemeanor criminal convictions. The nature of the allegations are set forth in Petitions for Discipline docketed at 55 DB 2009 and 166 DB 2010. A true and correct copy of the Petitions for Discipline are attached hereto, made a part hereof, and marked Exhibit "A" and Exhibit "B."

J.P.H

5. He acknowledges that the material facts upon which the allegations of misconduct contained in Exhibit "A" and Exhibit "B" are based are true.

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

7. 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.

8. He acknowledges that by submitting the within resignation he is knowingly, voluntarily and intelligently waiving the right to have a disciplinary hearing pursuant to Rule 214(f)(1), Pa.R.D.E.

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

10. He is fully aware that the within resignation statement is irrevocable and that he can only apply for reinstatement to the practice of law pursuant to the provisions of Rule 218, Pa.R.D.E.

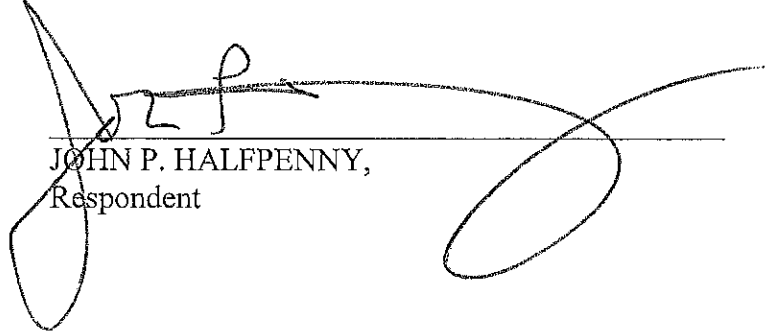
11. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He ^{J.P.H.} has not consulted with counsel in connection with his decision to execute the within resignation.

12. He is requesting that the Order for disbarment be made retroactive to October 7, 2009, the date he was placed on temporary suspension. He understands that such decision will be entirely in the discretion of the Supreme Court of Pennsylvania and that the Office of Disciplinary Counsel takes no position on the issue of retroactivity.

J.P.H.

IT IS UNDERSTOOD that the statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904 (relating to unsworn falsification to authorities).

Signed this 2nd day of November, 2014.



Handwritten signature of John P. Halfpenny, consisting of a large, stylized 'J' and 'P' followed by a long horizontal line that loops back to the right.

JOHN P. HALFPENNY,
Respondent

Maryanne A. Halfpenny
Witness

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 55 DB 2009
Petitioner :
: v. : Attorney Reg. No. 85041
: :
JOHN P. HALFPENNY :
Respondent : (Montgomery County)

PETITION FOR DISCIPLINE

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Esquire, Chief Disciplinary Counsel, and by Harold E. Ciampoli, Jr., Esquire, Disciplinary Counsel, files the within Petition for Discipline and charges Respondent, John P. Halfpenny, with professional misconduct in violation of the Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement as follows:

1. Petitioner, whose principal office is located at 601 Commonwealth Ave., Suite 2700, P.O. Box 62485, Harrisburg, Pennsylvania 17106 is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement (hereinafter "Pa.R.D.E.") 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.

WE HEREBY CERTIFY THE WITHIN TO
BE A TRUE AND CORRECT COPY.

— Exhibit A —

FILED

OCT 30 2009

Office of the Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

2. Respondent, John P. Halfpenny, was born on May 26, 1966, and was admitted to practice law in the Commonwealth on March 22, 2000.

3. By Order dated October 7, 2009, the Supreme Court placed Respondent on temporary suspension pursuant to Rule 214(d)(2), Pa.R.D.E. and referred the matter to the Disciplinary Board pursuant to Rule 214 (f)(1), Pa.R.D.E.

4. Respondent's former public access address was Halfpenny Technologies Inc. 725 Skippack Pike Ste 100, Blue Bell, PA 19422. Respondent is currently incarcerated.

5. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

CHARGE

6. Respondent was prohibited by Protection from Abuse Order No. 701V7927 ("PFA") from having unauthorized contact with his ex-wife, Mary Halfpenny.

7. The PFA was valid from January 18, 2008 through January 17, 2010.

8. On July 22, 2008, a Criminal Complaint was filed against Respondent in the Municipal Court of Philadelphia County under Docket Number MC-51--CR-0036787-2008, charging Respondent with violating the PFA by making approximately 70 to 90 telephone calls to Ms. Halfpenny between July 9, 2008 and July 14, 2008.

9. On September 24, 2008, a Criminal Complaint was filed against Respondent in the Municipal Court of Philadelphia

County under Docket Number MC-51--CR-0048155-2008, charging Respondent with violating the PFA by having unauthorized contact with Ms. Halfpenny on August 24, 2008.

10. On October 8, 2008, a Criminal Information was filed against Respondent in the Court of Common Pleas of Philadelphia County under Docket Number CP-51--CR-0011907-2008, charging Respondent with Burglary and related offenses in connection with an incident that occurred on September 14, 2008.

11. On December 5, 2008, Respondent pled guilty or no contest to the following offenses:

Docket No. CP-51-CR-0011907-2008

- Ct-1 Attempted Burglary (F1);
- Ct-2 Criminal Trespass (F2);
- Ct -3 Stalking (F3);
- Ct-4 Contempt for Violation of Order (M3);
- Ct-5 Possession of Instrument of Crime (M1)
(NO CONTEST);
- Ct-7 Harassment (M3)

Docket No. MC-51-CR-0036787-2008

- Ct-1 Contempt for Violation of Order (M3);
- Ct-2 Stalking (M1)

Docket No. MC-51-CR-0048155-2008

- Ct-1 Contempt for Violation of Order (M3);
- Ct-2 Stalking (M1)

12. On January 23, 2009, Respondent was sentenced on the charges at docket no. 11907-2008 by the Honorable Rose Defino-Nastasi to be confined for a minimum term of 25 months and a maximum term of 50 months at County Prison on the Criminal Attempt-Burglary charge, with a consecutive sentence of reporting probation for a maximum term of ten years, under the supervision of the Philadelphia County Probation Department, Mental Health Unit. Respondent was also sentenced to a consecutive maximum term of seven years of reporting probation on the stalking charge and a concurrent five year probation term on the Possessing Instrument of Crime charge. A determination of guilty without further penalty was made on the Contempt and Harassment charges. On docket numbers 36787-2008 and 48155-2008, Respondent was sentenced to a concurrent five year term of reporting probation on the Stalking charges and a determination of guilt without further penalty was made on the Contempt charges.

13. The facts constituting the charges for docket no. 11907-2008 are that on the evening of September 14, 2008:

- Respondent called Ms. Halfpenny's mother and told her they had two hours or something would happen to all of them, including Ms. Halfpenny;
- Subsequently, at approximately 7:00 p.m., Respondent appeared in the yard at Ms. Halfpenny's residence, carrying a beige bag;

- Police officer Rosa Boone responded to Ms. Halfpenny's call and while in the residence, observed the door knob to Ms. Halfpenny's family room turn;
- Officer Boone investigated and observed Respondent fleeing through the rear yard and also observed Respondent drop a beige bag;
- Officer Boone recovered the bag, which was covered with Respondent's blood;
- The beige bag contained a smaller bag, which had inside it a roll of silver duct tape, a white extension cord, a blue book of matches, a black scarf, a pair of leather gloves, and a 13 inch kitchen knife; and
- Respondent's blood was found on several areas of Ms. Halfpenny's house and yard, including a set of French doors and the surrounding patio area.

14. Respondent reported the fact of his conviction to the Secretary of the Board.

15. The crimes of which Respondent was sentenced are "serious crime[s]," as defined in Rule 214(i), Pa.R.D.E.

16. By his conduct as alleged in paragraphs 6 through 15 above, Respondent violated the following Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement:

A. Pa.R.D.E. 203(b)(1), which provides that conviction of a crime, which under Enforcement Rule 214 (relating to attorneys convicted of crimes) may result in suspension, shall be grounds for discipline; and

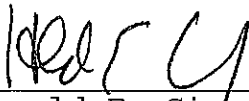
B. RPC 8.4(b), which states that it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects.

WHEREFORE, your Petitioner prays that your Honorable Board appoint, pursuant to Rule 205 of the Pennsylvania Rules of Disciplinary Enforcement, a Hearing Committee to hear testimony and receive evidence in accordance with Rule 214(f) (1) on the sole issue of the extent of the final discipline to be imposed, and at the conclusion of said hearing, to make such findings of fact, and recommendation for discipline as it may deem appropriate.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL
Paul J. Killion
Chief Disciplinary Counsel

By



Harold E. Ciampoli, Jr.
Disciplinary Counsel
Attorney Registration No. 51159
820 Adams Avenue, Suite 170
Trooper, PA 19403
(610) 650-8210

VERIFIED STATEMENT

I, Harold E. Ciampoli, Jr., Disciplinary Counsel, state under the penalties provided in 18 Pa.C.S. §4904 (unsworn falsification to authorities) that:

I am a Disciplinary Counsel of the Disciplinary Board of the Supreme Court of Pennsylvania assigned to prosecute this matter pursuant to the Pennsylvania Rules of Disciplinary Enforcement;

I am authorized to make this verified statement; and

The facts contained in the attached Petition for Discipline are true and correct to the best of my knowledge, information and belief.

10/22/09

Date

HRC

Harold E. Ciampoli, Jr.
Disciplinary Counsel

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 1649 Disciplinary
: Docket No. 3
:
Petitioner : No. 166 DB 2010
:
v. : Attorney Reg. No. 85041
:
JOHN P. HALFPENNY, :
Respondent : (Philadelphia)

PETITION FOR DISCIPLINE

Petitioner, Office of Disciplinary Counsel, by Paul J. Killion, Esquire, Chief Disciplinary Counsel, and by Harold E. Ciampoli, Jr., Esquire, Disciplinary Counsel, files the within Petition for Discipline and charges Respondent, John P. Halfpenny, with professional misconduct in violation of the Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement as follows:

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BE A TRUE AND CORRECT COPY



FILED

MAY 06 2011

Office of the Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

— Exhibit B —

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, John P. Halfpenny, was born on May 26, 1966, and was admitted to practice law in the Commonwealth on March 22, 2000.

3. By Order dated October 7, 2009, the Supreme Court placed Respondent on temporary suspension pursuant to Rule 214(d)(2), Pa.R.D.E. in connection with his January 23, 2009 criminal conviction for attempted burglary, criminal trespass, stalking, contempt for violation of a protection from abuse order, possession of instrument of a crime and harassment and referred the matter to the Disciplinary Board pursuant to Rule 214(f)(1), Pa.R.D.E.

4. By letter dated July 7, 2010, Respondent notified the Secretary of the Disciplinary Board of his June 8, 2010 conviction of two additional felonies of the third degree relating to the possession of child pornography and illegal use of a communications device.

5. Respondent's former public access address was Halfpenny Technologies Inc., 725 Skippack Pike Ste 100, Blue Bell, PA 19422.

6. On information and belief, Respondent is currently incarcerated at SCI Camp Hill and his release date is uncertain.

7. By Order dated December 6, 2010, the Supreme Court referred the matter relating to Respondent's convictions of sexual abuse of children-possession of child pornography and criminal use

of communication facility to the Disciplinary Board pursuant to Rule 214 (f)(1), Pa.R.D.E.

8. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

CHARGE

9. On January 14, 2007, Respondent and his estranged wife, Mary Halfpenny, were involved in an altercation at their home at 7201 Green Street, Philadelphia, PA, resulting in Ms. Halfpenny being transported to the hospital.

10. When Ms. Halfpenny returned to their home from the hospital, Respondent was observed putting car seats into an automobile and he had a guitar case on the sidewalk next to him.

11. After Respondent was apprehended by the police, Ms. Halfpenny opened the guitar case and observed images of what appeared to her to be child pornography.

12. A few days after discovering the child pornography images, Ms. Halfpenny received a letter from Respondent acknowledging that he had downloaded the images from their home computer and requesting her to destroy the images and not report the incident to police.

13. On March 25, 2009, Ms. Halfpenny reported the incident to the Special Victims Unit of the Philadelphia Police department and provided them with approximately 60 images downloaded by Respondent that depicted children engaged in sexual acts and poses.

14. The computer Respondent had used to download the images

was seized subsequent to a search warrant and 13 additional images of children under the age of 18 engaging in sexual acts with adults were discovered.

15. The images that Respondent had down loaded were printed from known child pornography sites.

16. On January 25, 2010, a Criminal Information docketed to CP-51-CR-0000170-2010 was filed charging Respondent with Count 1: *Sexual Abuse of Children- Possession of Child Pornography*, 18 6312 D1 (F3) and Count 2: *Criminal Use of Communication Facility*, 18 7512 A (F3).

17. On February 24, 2010, Respondent pled guilty to both counts of Criminal Information CP-51-CR-0000170-2010.

18. On February 24, 2010, the Honorable Thomas Dempsey sentenced Respondent on Count 2; *Criminal Use of Communication Facility*, to incarceration for a minimum term of 5 months to a maximum term of 23 months, and three years probation, to run consecutive to his sentence received in case CP-51-CR-0011907-2008.

19. On June 8, 2010, Judge Dempsey sentenced Respondent on Count 1, *Sexual Abuse of Children-Possession of Child Pornography*, to incarceration for a minimum term of 5 months and a maximum term of 23 months, to run concurrent to the sentence he received on Count 2.

20. The crimes of which Respondent was sentenced are "serious crime[s]," as defined in Rule 214(i), Pa.R.D.E.

21. By his conduct, as alleged in paragraphs 9 through 20,

above, Respondent violated the following Rules of Professional Conduct and Pennsylvania Rules of Disciplinary Enforcement:

A. Pa.R.D.E. 203(b)(1), which provides that conviction of a crime shall be grounds for discipline; and

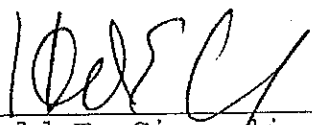
B. RPC 8.4(b), which states that it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects.

WHEREFORE, your Petitioner prays that your Honorable Board appoint, pursuant to Rule 205 of the Pennsylvania Rules of Disciplinary Enforcement, a Hearing Committee to hear testimony and receive evidence in accordance with Rule 214(f) (1) on the sole issue of the extent of the final discipline to be imposed, and at the conclusion of said hearing, to make such findings of fact, and recommendation for discipline as it may deem appropriate.

Respectfully submitted,

OFFICE OF DISCIPLINARY COUNSEL
Paul J. Killion
Chief Disciplinary Counsel

By



Harold E. Ciampoli, Jr.
Disciplinary Counsel
Attorney Registration No. 51159
820 Adams Avenue, Suite 170
Trooper, PA 19403
(610) 650-8210

VERIFIED STATEMENT

I, Harold E. Ciampoli, Jr., Disciplinary Counsel, state under the penalties provided in 18 Pa.C.S. §4904 (unsworn falsification to authorities) that:

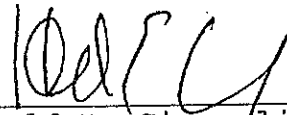
I am a Disciplinary Counsel of the Disciplinary Board of the Supreme Court of Pennsylvania assigned to prosecute this matter pursuant to the Pennsylvania Rules of Disciplinary Enforcement;

I am authorized to make this verified statement; and

The facts contained in the attached Petition for Discipline are true and correct to the best of my knowledge, information and belief.

5/3/11

Date



Harold E. Ciampoli, Jr.
Disciplinary Counsel