

JUN 4 2004

## STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 10<sup>th</sup> day of June, 2004, the following order was made and entered:

Lawyer Disciplinary Board, Complainant

vs.) No. 30769

Hobert F. Muncey, Jr., a suspended member  
of The West Virginia State Bar, Respondent

On a former day, to-wit, March 23, 2004, came the Hearing Panel Subcommittee of the Lawyer Disciplinary Board, by Cheryl Lynne Connelly, its chairperson, pursuant to Rule 3.10 of the Rules of Lawyer Disciplinary Procedure, and presented to the Court its written recommended disposition in this matter, stipulated to by the parties, recommending that: (1) the respondent's license to practice law in the State of West Virginia be annulled; (2) the respondent be ordered to make restitution to the following: to Larry D. Mitchell the sum of \$200, to Peggy Cockrell the sum of \$1,200, to Frank D. Wayman the sum of \$200, to the West Virginia State Bar's Client Protection Fund the sum of \$2,862; (3) the respondent be assessed interest on the foregoing restitution sums at 10% annum from the date of this recommendation until fully paid; (4) the respondent be required to make the foregoing restitution payments in full, with interest, before he is permitted to petition for reinstatement of his license to practice law; and (6) pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure, respondent be ordered to pay the costs of this disciplinary proceeding in the amount of \$822.43.

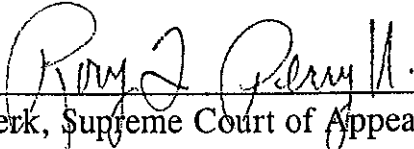
Upon consideration whereof, the Court is of opinion to and doth hereby adopt the stipulated written recommended disposition of the Hearing Panel Subcommittee of the Lawyer Disciplinary Board. It is therefore ordered that: (1) the respondent's license to practice law in the State of West Virginia be, and it hereby is, **annulled**; (2) the respondent is ordered to make restitution to the following: to Larry D. Mitchell the sum of \$200, to Peggy Cockrell the sum of \$1,200, to Frank D. Wayman the sum of \$200, to the West Virginia State Bar's Client Protection Fund the sum of \$2,862; (3) the respondent shall be assessed interest on the foregoing restitution sums at 10% annum from the date of this recommendation until fully paid; (4) the respondent is required to make the foregoing restitution payments in full, with interest, before he is permitted to petition for reinstatement of his license to practice law; and (6) pursuant to Rule 3.15 of the Rules of Lawyer Disciplinary Procedure, respondent shall pay the costs of this disciplinary proceeding in the amount of \$822.43.

Justice Albright would adopt the recommendation with the exception of imposition of costs of the proceeding. Justice McGraw did not participate.

Service of an attested copy of this order shall constitute sufficient notice of its contents.

A True Copy

Attest:

  
Clerk, Supreme Court of Appeals