

IN THE SUPREME COURT OF THE STATE OF DELAWARE'

In the Matter of a Member of the	§	
Bar of the Supreme Court of the	§	
State of Delaware:	§	
	§	
ROBERT D. GRAHAM,	§	No. 5, 2013
	§	
Petitioner.	§	

Submitted: January 4, 2013
Decided: January 15, 2013

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

ORDER VACATING INTERIM SUSPENSION

This 15th day of January 2013, it appears to the Court as follows:

1. On February 2, 2006, Petitioner Graham was charged in the United States District Court for the Eastern District of Virginia with multiple felony counts. The matter was subsequently transferred to the United States District Court for the District of Connecticut.

2. Petitioner Graham was charged by the United States of America in a Superseding Indictment on September 20, 2006 with conspiracy, securities fraud, false statements to the Securities Exchange Commission ("SEC") and mail fraud. Graham pled not guilty to the Superseding Indictment.

3. On July 17, 2007, the Office of Disciplinary Counsel ("ODC") filed a Petition for Interim Suspension pursuant to Rule 16 of the Delaware Lawyers'

Rules of Disciplinary Procedure against Robert D. Graham, Esquire (“Respondent”) (indexed as Case No. 353, 2007) and requested this Court hold the Petition for Interim Suspension in abeyance until such time the criminal charges against Respondent Graham were resolved.

4. On July 17, 2007, this Court ordered the proceedings held in abeyance.

5. On February 25, 2008, a jury found Respondent Graham guilty on all counts with which he was charged in the Superseding Indictment.

6. On April 8, 2008, the ODC notified the Court that Respondent Graham had been found guilty of all felony counts and Respondent Graham did not oppose the entry of an order of interim suspension.

7. By Public Order of Interim Suspension dated April 18, 2008, this Court immediately suspended Respondent Graham from the practice of law in this State pending the final disposition of this matter pursuant to the Delaware Lawyers’ Rules of Disciplinary Procedure.

8. On April 30, 2009, Graham was sentenced to, among other things, 12 months and one day in prison and ordered to pay a fine of \$100,000. Graham remained free on bond pending appeal.

9. On August 1, 2011, the United States Court of Appeals for the Second Circuit vacated Graham's criminal convictions and remanded the case for a new trial. ***United States v. Ferguson, et al.*, 653 F.3d 61 (USCA 2, 2011).**

10. On June 22, 2012, the United States of America filed Consent Motion for Deferred Prosecution Continuance in which the United States of America will dismiss with prejudice the Superseding Indictment against Graham within five (5) days of the expiration of the deferral period (i.e., 12 months from the entry of the Court's Order continuing the case for deferred prosecution), assuming Graham's compliance with all material aspects with all of his obligations under the Deferred Prosecution Agreement.

11. On October 19, 2012, the Office of the Chief Disciplinary Counsel for the State of Connecticut withdrew its pending action against Graham in the case of *Chief Disciplinary Counsel v. Robert D. Graham*, FST CV 09-4016365 S.

12. On January 4, 2013, Robert D. Graham filed his Petition to Vacate his Interim Suspension and represented therein that the Office of Disciplinary Counsel has advised the undersigned attorney that the Office of Disciplinary Counsel will not oppose Petitioner Graham's Petition to Vacate which the Court has confirmed.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The April 18, 2008 Interim Suspension of Robert D. Graham is hereby vacated and he is no longer suspended from the practice of law in this State; and is returned to inactive status.
2. This Order shall be made public.

BY THE COURT:

/s/ Randy J. Holland
Justice