

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D35856
O/kmb

_____AD3d_____

RANDALL T. ENG, P.J.
WILLIAM F. MASTRO
REINALDO E. RIVERA
PETER B. SKELOS
RUTH C. BALKIN, JJ.

2011-09565

OPINION & ORDER

In the Matter of Marie A. Martial, admitted as Marie Andree Martial, an attorney and counselor-at-law.

Grievance Committee for the Second, Eleventh, and Thirteenth Judicial Districts, petitioner; Marie A. Martial, respondent.

(Attorney Registration No. 4129680)

Motion by the Grievance Committee for the Second, Eleventh, and Thirteenth Judicial Districts to strike the respondent's name from the roll of attorneys and counselors-at-law, pursuant to Judiciary Law § 90(4), upon her conviction of a felony. The respondent was admitted to the Bar at a term of the Appellate Division of the Supreme Court in the Second Judicial Department on May 28, 2003, under the name Marie Andree Martial.

Diana Maxfield Kearse, Brooklyn, N.Y. (Sharon Gursen Ades of counsel), for petitioner.

PER CURIAM

On July 26, 2010, the respondent pleaded guilty before the Honorable David Sullivan, in County Court, Nassau County, to: grand larceny in the first degree, in violation of Penal Law § 155.42, a class B felony; grand larceny in the second degree, in violation of Penal Law § 155.40, a class C felony; and grand larceny in the third degree, in violation of Penal

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Law § 155.35, a class D felony. The respondent was convicted for her role in a real estate fraud scheme in Nassau County. She has not yet been sentenced.

Although personally served with a copy of this motion, the respondent has neither submitted a response nor requested additional time in which to do so.

By virtue of her felony conviction, the respondent was automatically disbarred and ceased to be an attorney pursuant to Judiciary Law § 90(4)(a).

Accordingly, the motion pursuant to Judiciary Law § 90(4)(b) to strike the respondent's name from the roll of attorneys is granted to reflect the respondent's automatic disbarment on July 26, 2010.

ENG, P.J., MASTRO, RIVERA, SKELOS, and BALKIN, JJ., concur.

ORDERED that pursuant to Judiciary Law § 90(4)(a), the respondent, Marie A. Martial, admitted as Marie Andree Martial, is disbarred, effective July 26, 2010, and her name is stricken from the roll of attorneys and counselors-at-law; and it is further,

ORDERED that the respondent, Marie A. Martial, admitted as Marie Andree Martial, shall comply with this Court's rules governing the conduct of disbarred, suspended, and resigned attorneys (*see* 22 NYCRR 691.10); and it is further,

ORDERED that pursuant to Judiciary Law § 90, effective immediately, the respondent, Marie A. Martial, admitted as Marie Andree Martial, is commanded to desist and refrain from (1) practicing law in any form, either as principal or as agent, clerk or employee of another, (2) appearing as an attorney or counselor-at-law before any court, Judge, Justice, board, commission or other public authority, (3) giving to another an opinion as to the law or its application or any advice in relation thereto, and (4) holding herself out in any way as an attorney and counselor-at-law; and it is further,

ORDERED that if the respondent, Marie A. Martial, admitted as Marie Andree Martial, has been issued a secure pass by the Office of Court Administration, it shall be returned forthwith to the issuing agency and the respondent shall certify to the same in her affidavit of compliance pursuant to 22 NYCRR 691.10(f).

ENTER:


Aprilanne Agostino
Clerk of the Court