

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

Supreme Court Case
No. SC21-1566

v.

The Florida Bar File
No. 2021-10,054 (20B)(HFC)

RALPH CAMERON COLLEDGE,
Respondent.

Received, Clerk, Supreme Court

JAN 28 2022

REPORT OF REFEREE

I. **SUMMARY OF PROCEEDINGS**

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to Rules 3-7.2 and 3-7.6, Rules of Discipline, the following proceedings occurred:

On November 10, 2021, The Florida Bar filed a Notice of Determination or Judgment of Guilt against respondent in these proceedings. Respondent was suspended pursuant to Rule 3-7.2(f) by Supreme Court Order dated November 12, 2021. The Honorable Dana M. Moss was appointed to serve as referee on November 17, 2021. The parties held a case management conference on December 6, 2021. Kimberly Walbolt, Bar Counsel, appeared on behalf of the bar, and Ralph Cameron Colledge, respondent, appeared pro se. On January 7, 2022, a

sanctions hearing was held pursuant to Rule 3-7.2(h)(2). Kimberly Walbolt, Bar Counsel, appeared on behalf of the bar, and Ralph Cameron Colledge, respondent, appeared pro se. Respondent stated on the record at the sanctions hearing that he agreed and consented to the bar's recommended sanction of disbarment. All items properly filed including pleadings, recorded testimony (if transcribed), exhibits in evidence and the report of referee constitute the record in this case and are forwarded to the Supreme Court of Florida.

II. FINDINGS OF FACT

Jurisdictional Statement. Respondent is, and at all times mentioned during this investigation was, a member of The Florida Bar, subject to the jurisdiction and Disciplinary Rules of the Supreme Court of Florida.

Narrative Summary Of Case. On August 26, 2020, respondent was charged with two counts of Sexual Battery, Child Less Than 12 Years of Age, a capital felony. On October 14, 2021, respondent entered a plea of no contest to two counts of the lesser included charge of Attempted Sexual Battery on a Child Less Than 12 Years of Age, a first degree felony. Respondent will be sentenced on January 14, 2022 and was on pre-trial release with conditions until sentencing.

III. RECOMMENDATIONS AS TO GUILT.

I recommend that Respondent be found guilty of violating the following Rules Regulating The Florida Bar: Rule 4-8.4(b) (Misconduct – a lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects).

In consideration of this finding of guilt, I considered that R. Regulating Fla. Bar 3-7.2(a)(3) provides a "convicted lawyer" is a lawyer who has had either a determination or judgment of guilt entered by the trial court in the criminal proceeding. A "determination of guilt" includes those cases in which the convicted lawyer has entered a no contest plea to criminal charges. R. Regulating Fla. Bar 3-7.2(a)(2). Pursuant to R. Regulating Fla. Bar 3-7.2(b), respondent's no contest plea is conclusive proof of guilt of the criminal offenses charged, supporting the finding of respondent's violation of Rule 4-8.4(b).

IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

5.1 Failure to Maintain Personal Integrity

(a) Disbarment is appropriate when a lawyer: (1) is convicted of a felony under applicable law.

3.2 Aggravation

(b)(2) (dishonest or selfish motive) respondent engaged in criminal misconduct to satisfy his personal interests;

(b)(3) (pattern of misconduct) respondent engaged in two acts of Attempted Sexual Battery on a Child Less Than 12 Years of Age;

(b)(4) (multiple offenses) respondent was charged with and plead no contest to two counts of Attempted Sexual Battery on a Child Less Than 12 Years of Age; and

(b)(8) (vulnerability of the victim) the victim was ten years old at the time of the acts at issue.

3.3 Mitigation

(b)(1) (absence of a prior disciplinary record) respondent has no disciplinary history other than the related felony suspension by Order dated November 12, 2021 in this case; and

(b)(11) (imposition of other penalties or sanctions) pursuant to his plea agreement, respondent will be incarcerated for a period of 20 years for his criminal misconduct.

V. CASE LAW

I considered the following case law prior to recommending discipline:

Florida Bar v. Rosenberg, 169 So. 3d 1155, 1162 (Fla. 2015) - the Court reaffirmed that in recent years, it has moved towards stronger sanctions for attorney misconduct.

Florida Bar v. Del Pino, 955 So. 2d 556, 561 (Fla. 2007) - the Court held that when an attorney has been convicted of a felony, disbarment is the presumptively correct discipline. The burden is upon the attorney to

prove that something less than disbarment is warranted by the circumstances and mitigation.

Florida Bar v. Corbin, 540 So. 2d 105 (Fla. 1989) - the Court held that pleading nolo contendere to the crime of attempted sexual activity with a child 12-years of age or older but less than 18 years of age, with whom the attorney stands in a position of familial or custodial authority, warranted a three-year suspension.

Florida Bar v. Cramer, 2018 WL 6729946 (Fla. 2018) - an attorney was disbarred after being found guilty of attempted enticement of a minor to engage in sexual activity in violation of Title 18, USC § 2422(b). The attorney was sentenced to 10 years in federal prison and 10 years supervision upon release.

Florida Bar v. Pallante, 2018 WL 4050477 (Fla. 2018) - an attorney was permanently disbarred after being found guilty of forty-two counts of sexual battery of a child less than twelve years old, sexual battery of a familial or custodial victim between the ages of twelve and eighteen, lewd and lascivious molestation of a child less than twelve years old, lewd and lascivious molestation of a victim between the ages of twelve and sixteen, lewd and lascivious exhibition, possession of child pornography, distribution of obscene material to a minor, and one misdemeanor count of contributing

to the delinquency of a minor. The attorney was sentenced to life imprisonment on two counts and received additional consecutive prison sentences on the remaining felony counts.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

In light of the Standards and caselaw presented, as well as respondent's stated consent to the bar's recommended sanction of disbarment at the sanctions hearing in this matter, I recommend that respondent be found guilty of misconduct justifying disciplinary measures, and that he be disciplined by:

- A. Disbarment.
- B. Payment of The Florida Bar's costs in these proceedings.
- C. Respondent will eliminate all indicia of respondent's status as an attorney on email, social media, telephone listings, stationery, checks, business cards office signs or any other indicia of respondent's status as an attorney, whatsoever.

VII. PERSONAL HISTORY, PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to Rule 3-7.6(m)(1)(D), I considered the following:

Personal History of Respondent:

Age: 42

Date admitted to the Bar: May 15, 2017

Prior Discipline: Respondent was suspended pursuant to Rule 3-7.2(f) by Supreme Court Order dated November 12, 2021 in this proceeding.

VIII. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

I find the following costs were reasonably incurred by The Florida Bar:

Investigative Costs	\$188.50
Court Reporters' Fees	\$190.00
Administrative Fee	\$1,250.00

TOTAL	\$1,628.50
-------	------------

It is recommended that such costs be charged to respondent and that interest at the statutory rate shall accrue and be deemed delinquent 30 days after the judgment in this case becomes final unless paid in full or otherwise deferred by the Board of Governors of The Florida Bar.

Dated this 20th day of January, 2022.

/s/ Dana M. Moss

Dana M. Moss, Referee

Original To:

Clerk of the Supreme Court of Florida; Supreme Court Building; 500 South Duval Street, Tallahassee, Florida, 32399-1927

Conformed Copies to:

Ralph Cameron Colledge, Respondent, 3475 Bravada Way, Naples, FL 34119-1616, colledgerc@gmail.com

Kimberly Anne Walbolt, Bar Counsel, 2002 N. Lois Ave., Suite 300, Tampa, Florida 33607-2386, kwalbolt@floridabar.org

Patricia Ann Toro Savitz, Staff Counsel, The Florida Bar, 651 E Jefferson Street, Tallahassee, FL 32399-2300, psavitz@floridabar.org