

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,

v.

CHRIS E. RAGANO,
Respondent.

Supreme Court Case
No. SC22-164

The Florida Bar File
No. 2021-10,655 (13E) HFC

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 February 4, 2022, The Florida Bar filed its Notice of Determination or Judgment of Guilt in these proceedings. Respondent was suspended under Rule 3-7.2(f) by Supreme Court of Florida Order dated February 4, 2022. The Honorable George Mark Jirotko was appointed to serve as referee on February 11, 2022. The parties held a case management conference on March 1, 2022. Jennifer Robyn Dillon, bar counsel, appeared on behalf of the bar, and Chris E. Ragano, respondent, appeared *pro se*. During the March 1, 2022, case management conference,

respondent waived the time requirements pursuant to Rule Regulating The Florida Bar 3-5.2(n). A Request for Extension of Time to File Report of Referee was filed on March 14, 2022, and granted by order of the Supreme Court of Florida dated March 16, 2022. The deadline to file the Report of Referee was extended to August 10, 2022. Additional case management conferences were held on March 24, 2022 and April 21, 2022, with a Pre-Trial Conference held on June 13, 2022.

Pursuant to Rule 3-7.2(h)(2), a sanction hearing was held on July 13, 2022, July 22, 2022 and August 5, 2022 (the latter initially was scheduled for August 4, 2022). Between the hearings, on July 19, 2022, a Request for Extension of Time to File Report of Referee was filed. On July 21, 2022, the Supreme Court of Florida granted the request, extending the deadline to file the Report of Referee to September 9, 2022. Additionally, on September 9, 2022, a Request for Extension of Time to File Report of Referee was filed and on September 12, 2022, the Supreme Court of Florida granted the request, extending the deadline to file the Report of Referee to September 16, 2022.

Present for the sanction hearings were Jennifer Robyn Dillon, bar counsel; and respondent. During the sanction hearing, the referee heard testimony from the following individuals: Dr. Wendy Coughlin, Ph.D.; J.

Michael Shea; Mike Doyle; Michael Maddux; and respondent. The referee received into evidence the following exhibits from The Florida Bar: TFB Exhs. 1 through 6. The referee received into evidence the following exhibits from respondent: R. Exhs. 1 through 17. 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 July 8, 2021, respondent was charged with thirty three (33) counts of possession of child pornography (ten (10) or more images and content of images), each being a second-degree felony. Respondent was further charged with one (1) count of out of state transmission of child pornography by electronic device, a third-degree felony. On December 14, 2021, respondent entered a plea of guilty to all charges, and the criminal trial court entered a Judgment and Sentence, withholding adjudication on all counts. Respondent was sentenced to eight (8) years of sex offender probation as to each of the thirty three (33) counts

of possession of child pornography and five (5) years of state probation as to the count of out of state transmission of child pornography, all to run concurrently.

III. RECOMMENDATIONS AS TO GUILT.

By operation of Rule 3-7.2 (a)(2), (a)(3) and (b) Rules Regulating The Florida Bar, respondent's plea of guilty and determination of guilt is considered conclusive proof of guilt of the criminal offenses for which he was charged.

IV. STANDARDS FOR IMPOSING LAWYER SANCTIONS

I considered the following Standards prior to recommending discipline:

5.1 FAILURE TO MAINTAIN PERSONAL INTEGRITY

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

In determining the applicability of this standard, I considered that R. Reg. 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 trial court in a criminal proceeding enters an order withholding adjudication of the respondent's guilt of the offense(s) charged" and "those cases in which the convicted lawyer has entered a plea of guilty to criminal charges." R. Reg. Fla. Bar 3-7.2(a)(2).

3.2(b) AGGRAVATING FACTORS

(2) dishonest or selfish motive: Respondent knowingly engaged in criminal conduct to satisfy his own prurient interests. Per the risk assessment,

admitted as respondent's exhibit 2, "he had become curious about searching the dark web after one of his law clients had mentioned that he had done this and after seeing the images the client had been charged with." The risk assessment further indicated that "he had a lot of idle time on his hands when he was living alone and he made bad decisions." By his own testimony, after searching for the images on the dark web, respondent intended to save those images to his own computer. This was after he intentionally purchased the computer with the sole intent to use it to search the dark web and downloaded thirty three (33) images of child pornography and one-hundred sixteen (116) images of child erotica per the Criminal Report Affidavit. TFB Exh. 1. Dr. Coughlin stated in her report, entered as TFB. Exh. 6, that "the fact he searched prurient material on the dark web clandestinely, confirms Mr. Ragano knew his behavior was illegal and yet he was drawn to exploration any way."

(3) pattern of misconduct: Respondent engaged in repeated, intentional acts of misconduct resulting in him ultimately being convicted of the thirty four (34) charges. He intentionally purchased a computer with the sole intent to search the dark web for child pornography, carried out his plan to search the dark web for the images, and intentionally saved the images to his computer.

(4) multiple offenses: Respondent pled guilty to thirty three (33) counts of possession of child pornography and one (1) count of out of state transmission of child pornography.

(7) refusal to acknowledge the wrongful nature of the conduct: Respondent has repeatedly articulated that what he did was wrong and that he has accepted responsibility for his actions. Dr. Coughlin's Report, completed in April 2022 after the current proceedings were initiated and after respondent had already engaged in three (3) months of sexual treatment therapy, indicated a concern that respondent "will use his superior intellectual capacity to compare himself out of the sexual offender population and continue to minimize his behavior justifying that he did not mean to view the child pornography and was exercising professional curiosity." TFB Exh. 6. During her testimony, Dr. Coughlin explained that her concern was based on years of experience working with intellectual individuals, and that respondent being bright and well trained, it may be easy to talk himself out of that population. Dr. Coughlin recommended individual cognitive

behavioral therapy to address a pattern of rationalizing and justifying his actions.

Respondent's testimony further evidenced the concerns expressed by Dr. Coughlin. Throughout his testimony and exhibits provided, the following was presented:

- Respondent went onto the dark web to research images out of "professional curiosity" related to an issue a client had previously faced. This research was done despite the fact that respondent no longer represented the client.
- Respondent's misconduct was only caught because he clicked the wrong button. Respondent meant to save the images to his own computer only, but accidentally pressed a button which saved them to Microsoft, resulting in the discovery of his misconduct.
- Respondent denied downloading actual child pornography. Rather, respondent indicated that he searched "fake child porn" and that the photos were of children's faces on an adult body. This is in direct contrast to the detailed descriptions contained in the Criminal Report Affidavit, TFB Exh. 1, and in direct contrast to the fact that respondent actually plead guilty to the charges of possession of child pornography.
- Respondent testified that the images did not fall under the category of images covered by the child pornography statute and that the State Attorney's Office did not have a strong case.

These are examples of respondent's failure to acknowledge the wrongful nature of his conduct.

(8) vulnerability of the victim: Per the Criminal Report Affidavit, the description of the children depicted in the pornographic and erotica images on respondent's computer were listed as children under the age of ten (10). These children were clearly vulnerable victims. TFB. Exh 1.

(9) substantial experience in the practice of law: Respondent has been licensed to practice law since 1997.

3.3 MITIGATING FACTORS

(1) absence of prior disciplinary record; and

(11) imposition of other penalties or sanction: Per the December 2021, criminal trial court order, respondent was placed on sexual offender probation for eight (8) years, state probation for five (5) years, and required to register as a sex offender and completed sex offender treatment.

V. CASE LAW

I considered the following cases, provided by The Florida Bar, prior to recommending discipline.

In *The Florida Bar v. Rosenberg*, 169 So. 3d 1155 (Fla. 2015), the Court stated that in recent years, it has moved towards imposing stronger sanctions for unethical and unprofessional conduct.

Per *The Florida Bar v. Bustamante*, 662 So.2d 687 (Fla. 1995) and *The Florida Bar v. Cohen* 908 So.2d 405 (Fla. 2005), the presumptive discipline for an attorney convicted of a felony is disbarment. The burden is on the attorney to overcome this presumption. *The Florida Bar v. Liberman*, 43 So. 3d 36, 39 (Fla. 2010); *The Florida Bar v. McKeever*, 766 So.2d 992 (Fla. 2000).

Recently, the Supreme Court has addressed three instances where an attorney was convicted of possession of child pornography.

In *The Florida Bar v. Airing*, SC20-1874, 2021 WL 4127263 (Fla. Sept. 9, 2021), Airing was disbarred after pleading guilty to one count of receipt of child pornography. In the criminal matter, Airing was sentenced to

ninety (90) months in prison. Similar to Mr. Ragano, the court found the mitigation factors of no prior discipline and imposition of other penalties for Mr. Aring.

In *The Florida Bar v. Fehr*, SC16-1173, 2017 WL 237660 (Fla. Jan. 19, 2017), Fehr was disbarred after being convicted of one count of possession of child pornography. In the criminal matter, Fehr was sentenced to three (3) years in federal prison.

In *The Florida Bar v. Rothenberg*, SC16-1127, 2017 WL 57016 (Fla. Jan. 5, 2017), Rothenberg was permanently disbarred after being convicted of one count of possession of material involving the sexual exploitation of minors (child pornography). In the criminal matter, Rothenberg was sentenced to seventeen (17) years in federal prison.

I considered the following cases, provided by respondent, prior to recommending discipline.

The Florida Bar v. Kinsella, 260 So.3d 1046 (Fla. 2018), was provided as an example of a respondent who was given a long-term suspension instead of disbarment after receiving a withhold of adjudication. Kinsella was initially charged with Grand Theft, a felony, for stealing money from cash registers on three (3) separate dates. The felony charge was later reduced to a charge of Petit Theft, a misdemeanor. Kinsella entered a

plea of no contest. Kinsella is distinguishable from the current matter however in that Kinsella received a withhold of adjudication as to one (1) misdemeanor count, whereas respondent received a withhold of adjudication as to thirty-four (34) felony charges. The Court found that Kinsella presented seven (7) mitigating factors and that suspension rather than disbarment was the appropriate sanction.

Respondent provided two additional cases; *The Florida Bar v. Samaha*, 557 So.2d 1349 (Fla. 1990), and *The Florida Bar v. Helinger*, 620 So.2d 993 (Fla. 1993); wherein Samaha and Helinger received long term suspensions for misdemeanor convictions. Samaha plead no contest to a misdemeanor battery. Samaha was suspended for one (1) year. Helinger was adjudicated guilty of making obscene phone calls and received a thirty (30) day jail sentence and six (6) months of probation. Helinger was suspended for two (2) years.

Respondent provided the following cases, each decided prior to the 2015 Rosenberg case, to support his request for a long-term suspension.

In *The Florida Bar v. Barket*, 633 So.2d 19 (Fla. 1994), Barket was disbarred in 1994 for a criminal conviction of lewd and lascivious assault on a minor in which he was sentenced to one (1) year and one (1) day in prison.

In *The Florida Bar v. Liberman*, 43 So.3d 36 (Fla. 2010), Liberman was disbarred in 2010 for a criminal conviction of drug trafficking in which he was sentenced to six (6) months of jail on the weekends followed by six (6) months of community control.

In *The Florida Bar v. De La Torre*, 994 So.2d 1032 (Fla. 2008), De La Torre was suspended in 2008 for eighteen (18) months after receiving a withhold of adjudication as to two (2) felonies, possession of cocaine and battery on a law enforcement officer, and three misdemeanors, resisting without violence, possession of cannabis and possession of drug paraphernalia.

In *The Florida Bar v. Corbin*, 540 So.2d 105 (Fla. 1989), Corbin was suspended for three (3) years in 1989 after receiving a withhold of adjudication for attempted sexual activity with a child under twelve and being sentenced to criminal probation.

In *The Florida Bar v. Del Pino*, 955 So.2d 556 (Fla. 2007), Del Pino was suspended for three (3) years in 2007 for a criminal conviction of tax evasion and mail fraud in which he received three (3) years of probation with conditions.

In *The Florida Bar v. Jahn*, 509 So.2d 285 (Fla 1987), Jahn was suspended for three (3) years in 1987 for a criminal conviction of delivery of

cocaine to a minor in which he was sentenced to four and a half (4.5) years in prison.

I find the case law provided by The Florida Bar to be most on point and persuasive. Based on the evidence presented at the sanction hearing, and given the standards and relevant case law, disbarment is the appropriate sanction. Respondent has not overcome the presumption of disbarment.

VI. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

I recommend that respondent be disciplined by:

- A. Disbarment for a period of five (5) years.
- B. Payment of The Florida Bar's costs in these proceedings.
- C. Prior to seeking readmission, respondent shall:
 - (1) Fully comply with and complete the terms of his criminal probation; and
 - (2) Obtain a recommendation from Florida Lawyers Assistance, Inc. that he is fit to practice.

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: Fifty two (52)

Date admitted to the Bar: September 25, 1997

Prior Discipline: None

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	\$435.00
Court Reporters' Fees	\$1,035.00
Administrative Fee	\$1,250.00

TOTAL \$2,720.00

It is recommended that such costs be charged to respondent and that interest at the statutory rate shall accrue and be deemed delinquent thirty (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. Under Rule 1-3.6(c) and Standing Board Policies 15.90(d), (e), (f) and (g), respondent may request a payment plan in accordance with the procedures

outlined therein. Approval or denial of the payment plan request is at the discretion of The Florida Bar staff counsel and/or the Board of Governors.

Dated this 16th day of September, 2022.



George Mark Jirotko, Referee

Original To:

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

Conformed Copies to:

Chris E. Ragano, Respondent, 3619 Lithia Pinecrest Rd, Valrico, FL 33596, cragano@madduxattorneys.com

Jennifer Robyn Dillon, Bar Counsel, The Florida Bar, Tampa Branch Office, 2002 North Lois Avenue, Suite 300, Tampa, Florida 33607, rdillon@floridabar.org, nstanley@floridabar.org, tampaoffice@floridabar.org

Patricia Ann Toro Savitz, Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-6584, psavitz@floridabar.org