

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF A	§
MEMBER OF THE BAR OF	§ No. 547, 2001
THE SUPREME COURT OF	§
DELAWARE:	§ Board on Professional Responsibility
	§ Case No. 109, 1997
THOMAS J. CAPANO,	§
	§
Respondent.	§

Submitted: October 29, 2001
Decided: November 15, 2001

Before **VEASEY**, Chief Justice, **WALSH**, and **HOLLAND**, Justices.

ORDER

This 15th day of November 2001, upon consideration of the parties' Stipulation of Disbarment by Consent, it appears to the Court that:

(1) On November 21, 1997, the respondent, Thomas Capano, was suspended from the practice of law on an interim basis pending the final disposition of felony criminal charges against him. On January 17, 1999, following a Superior Court jury trial, Capano was convicted of first degree murder. On March 16, 1999, Capano was sentenced to death by lethal injection. This Court affirmed Capano's conviction and sentence on direct appeal.¹

¹ *Capano v. State*, Del. Supr., 781 A.2d 556 (2001).

(2) Given his conviction of a serious crime that reflects on his fitness as a lawyer,² Capano, through his counsel, and Chief Disciplinary Counsel have signed and submitted for the Court's approval a stipulation seeking Capano's disbarment from the practice of law without further proceedings. Having considered the parties' stipulation and the circumstances of this case, the Court concludes that the stipulation to disbarment by consent should be accepted. Capano's misconduct clearly is serious enough to warrant disbarment without further proceedings.

NOW, THEREFORE, IT IS ORDERED that Thomas J. Capano is hereby DISBARRED from the practice of law in Delaware. His name shall be stricken immediately from the roll of attorneys licensed to practice before the Courts of this State. The Office of Disciplinary Counsel shall disseminate this Order in accordance with Rule 14 of the Delaware Lawyers' Rules of Disciplinary Procedure.

BY THE COURT:

/s/ E. Norman Veasey
Chief Justice

² DEL. L.R. PROF. COND. 8.4(b).