

**SUPREME COURT OF NEW JERSEY  
Disciplinary Review Board  
Docket No. DRB 93-066**

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**IN THE MATTER OF** :  
 :  
**DONALD J. WEBER,** :  
 :  
**AN ATTORNEY AT LAW** :

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**Decision and Recommendation  
of the  
Disciplinary Review Board**

**Argued: April 21, 1993**

**Decided: March 21, 1994**

**Richard J. Engelhardt appeared on behalf of the Office of Attorney Ethics.**

**Respondent, who is currently incarcerated in Menard, Illinois, did not appear, despite proper notice of the hearing.**

**To the Honorable Chief Justice and Associate Justices of the Supreme Court of New Jersey.**

**This matter was before the Board on a Motion for Reciprocal Discipline filed by the Office of Attorney Ethics ("OAE"), based on respondent's disbarment in New York as a result of his guilty plea to first degree murder and other crimes in the State of Illinois.**

**Respondent was admitted to the New Jersey bar in 1989. He was disbarred by the Appellate Division of the Supreme Court, First Judicial Department, State of New York, on December 3, 1992. That**

action followed respondent's February 18, 1992 guilty plea in Cook County, Illinois, to:

- 1) murder in the first degree, in violation of Chapter 38, Section 9-1-A(1) of the Illinois Revised Statutes;
- 2) armed robbery, in violation of Chapter 38, Section 18-2-A of the Illinois Revised Statutes; and
- 3) concealment of homicidal death, in violation of Chapter 38, Section 9-3.1a of the Illinois Revised Statutes.

On that same date, respondent was sentenced to a total of seventy-five years in prison.

Respondent's criminal conviction resulted from the April 16, 1990 murder of his twenty-four-year old former girlfriend, Lynda Singshinshuk, in her graduate dormitory room at Northwestern University in Chicago. The seven-year relationship between Ms. Singshinsuk and respondent, who then resided in New Jersey, had recently terminated after respondent learned that she had been dating someone else. At the conclusion of a two-month trip to Thailand following this break-up, respondent began to think about killing Ms. Singshinsuk. Upon his return to the United States, respondent made his way to Chicago. He carried a 22- caliber handgun, for which he had fashioned a homemade silencer. On the evening of April 16, 1990, he arrived at Ms. Singshinsuk's dormitory. His victim allowed him into her room. Shortly thereafter, respondent shot Ms. Singshinsuk six times, killing her. Respondent then eliminated all evidence of his visit from the room. He wrapped his victim's body in a sleeping bag and removed it from the dormitory in a laundry basket. Thereupon, respondent returned

to his home county - Crawford County, Illinois - where he disposed of various items of evidence by burning them. He also tossed his gun in a local river and buried his victim in a landfill.

Later in the year, respondent was in Las Vegas. On September 15, 1990, he pawned the victim's sapphire ring and, five days later, sold her heart-pendant at a jewelry store. During the same period of time, respondent dug up his victim and transported her body to Arizona, where he re-buried her in an isolated area of a national forest.

Respondent's actions did not stop there. Beginning on December 25, 1990, respondent made a series of telephone calls from Thailand to his victim's parents. He attempted to extort money, \$50,000.00, in return for providing information on the whereabouts of Ms. Singshinsuk's body. Thereafter, his telephone calls to Ms. Singshinsuk's parents were recorded. The parents hired a private investigator, who located respondent in Thailand and obtained three maps from respondent, attempting to establish the location of the victim's body. Ultimately, respondent was convinced to return to the United States. He led the investigator to the victim's body. Respondent was then arrested. He subsequently pleaded guilty, as indicated above, and was sentenced to seventy years on the first-degree murder, with an additional five consecutive years for concealment of the homicide, and a thirty-year concurrent term on the armed robbery charge. At sentencing, respondent, with his counsel, contended that his criminal actions were in some way mitigated by his "major depression," which clouded his judgment.

Exhibit B to Attachment 1 of the OAE's brief at page 25.

Respondent is currently an inmate at a correctional facility in Menard, Illinois.

#### CONCLUSION AND RECOMMENDATION

Upon a review of the full record, the Board recommends that the OAE's motion be granted. Respondent has not disputed the factual findings of the Appellate Division of the Supreme Court of New York. Hence, the Board adopts those findings. In re Pavilonis, 98 N.J. 36,40 (1984); In re Kaufman, 81 N.J. 300, 302 (1979).

Reciprocal disciplinary proceedings in New Jersey are governed by R. 1:20-7(d), which directs that:

- (d) the Board shall recommend the imposition of the identical action or discipline unless the respondent demonstrates, or the Board finds on the face of the record upon which the discipline in another jurisdiction was predicated that it clearly appears that:
- (1) the disciplinary order of the foreign jurisdiction was not entered;
  - (2) the disciplinary order of the foreign jurisdiction does not apply to the respondent;
  - (3) the disciplinary order of the foreign jurisdiction does not remain in full force and effect as the result of appellate proceedings;
  - (4) the procedure followed in the foreign disciplinary matter was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
  - (5) the misconduct established warrants substantially different discipline. [Emphasis added].

Although an attorney disbarred in New York may seek reinstatement seven years after the effective date of disbarment, 22 N.Y.C.R. § 603.14, permanent disbarment, rather than a seven-year suspension, is mandated by the facts of this case. R.1:20-7(d) is, therefore, applicable, in that the misconduct, as established, warrants more severe discipline than that imposed in New York. As in In re McAlesher, 93 N.J. 486(1983), disbarment is the only appropriate result in this case. McAlesher was disbarred following conviction for the second-degree murder of his wife, despite the finding that he was under the influence of alcohol at the time of the murder. As the Court stated:

Attorneys should have a clear understanding that once a certain line is crossed, there is no turning back. This may seem harsh in some circumstances, but it affords an inducement to maintain the high standards of the bar, standards which are necessary to make our system of justice work.

[Id at 490.]


The Board does not consider respondent's claim of major depression to be of any moment as a mitigating factor, in light of the heinous nature of the crime. Here, " . . . respondent's atrocious acts justify his disbarment . . . . A less severe discipline would undermine . . . the seriousness of the crime and the confidence reposed by the public on members of the legal profession and on the judicial system." In re X, 120 N.J. 459, 464(1990).

Accordingly, the Board unanimously recommends that respondent be disbarred.

The Board further recommends that respondent be required to reimburse the Ethics Financial Committee for administrative costs.

Dated:

3/21/1994

  
RAYMOND R. TROMBADORE  
Chair  
Disciplinary Review Board