



The State Bar  
*of California*

OFFICE OF CHIEF TRIAL COUNSEL

845 S. Figueroa Street, Los Angeles, CA 90017

213-765-1338

bo.yang@calbar.ca.gov

February 19, 2020

Darryl Cotton  
6176 Federal Blvd.  
San Diego, CA 92114

RE: Case Number: 20-O-02552  
Respondent: Mark Skeels

Dear Mr. Cotton:

The State Bar's Office of Chief Trial Counsel has reviewed your complaint against Mark Skeels to determine whether there are sufficient grounds to prosecute a possible violation of the State Bar Act and/or Rules of Professional Conduct. Note that this letter addresses only your complaint against Mark Skeels. Your complaints against other attorneys will be reviewed and addressed separately.

In your complaint to the State Bar, you stated that Mark Skeels was the prosecutor in your criminal case. You alleged that during arraignment, Mr. Skeels offered to drop three misdemeanor charges in exchange of you pleading guilty to one single Health and Safety Code section 11366.5(a) charge. You stated that you asked Mr. Skeels why the government was so generous, and he responded that it was because you chose not to allow an unlicensed cannabis dispensary to be open on your property. Based on this information, you took the plea deal, but later found out that this charge involved a civil forfeiture component. You stated that, when you asked Mr. Skeels about the City's forfeiture action against your property, he stated that he did not know that would be one of the consequences to your guilty plea.

Based on our evaluation of the information provided, we are closing your complaint. Under the laws of California, the facts as you have alleged them would not be grounds for disciplinary action. While prosecutors must promptly disclose exculpatory evidence to defendants and their attorneys, prosecutors do not owe the defendant a duty to explain all possible consequence of a plea bargain. Instead, it is your defense attorney who must, to the extent reasonably possible, thoroughly explain the matter to the defendant such that the client can make informed decisions. For these reasons, the State Bar is closing this matter.

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If you have new facts and circumstances that you believe may change our determination to close your complaint, you may submit a written statement with the new information to the Intake Unit for review. If you have any questions about this process, you may call Deputy Trial Counsel Bo Yang at 213-765-1338. If you leave a voice message, be sure to clearly identify the lawyer complained of, the case number assigned, and your telephone number including the area code. We should return your call within two business days.

If you are not aware of new facts or circumstances but otherwise disagree with the decision to close your complaint, you may submit a request for review by the State Bar's Complaint Review Unit, which will review your complaint and the Intake Unit's decision to close the complaint. The Complaint Review Unit may reopen your complaint if it determines that your complaint was inappropriately closed or that you presented new, significant evidence to support your complaint. To request review by the Complaint Review Unit, you must submit your request **in writing**, together with any new evidence you wish to be considered, post-marked within **90 days of the date of this letter**, to:

The State Bar of California  
Complaint Review Unit  
Office of General Counsel  
180 Howard Street  
San Francisco, CA 94105-1617

We would appreciate if you would complete a short, anonymous survey about your experience with filing your complaint. While your responses to the survey will not change the outcome of the complaint you filed against the attorney, the State Bar will use your answers to help improve the services we provide to the public. The survey can be found at <http://bit.ly/StateBarSurvey1>.

Thank you for bringing your concerns to the attention of the State Bar.

Sincerely,



Bo Yang  
Deputy Trial Counsel