on December 31, 1997 appellant and Cedric Love engaged in an altercation wherein appellant received an injury to his hand from Love. During the argument appellant told Love that he was going to "kill him." Five hours later, appellant entered Love's apartment carrying an assault rifle and told the four people playing cards in the front room to "get on the ground. Fixing to do this real quick and easy." Love emerged from the back bedroom carrying a .38 handgun and fired a shot toward appellant. Appellant fired at least three shots at Love as Love was fleeing to the bedroom. Witnesses saw Love fall and attempt to pull himself into the bedroom. One witness inside the apartment then overheard appellant say to a companion "I got that p —— n ——. I got him buddy. Let's go." Love died of a gun shot that entered his chest and traveled through his lung and spine, breaking the spinal column in two.

[1] We find this evidence sufficient to enable a rational trier of fact to find appellant guilty of the crimes charged beyond a reasonable doubt. *Jackson v. Virginia,* 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979).

[2] 2. Appellant contends that the trial court erred by admitting evidence of a similar transaction, claiming that the past act was not proved by the State to be similar to the crime charged. Dwayne Richardson testified that ten months prior to Love's murder, appellant shot at him with an assault rifle at the same apartment complex where Love's murder occurred after appellant had a dispute with Richardson and his wife. Appellant's contention that this prior act of violence was not probative of a pattern of behavior and the details of the prior act were not sufficiently similar to be probative is unpersuasive, as the evidence was probative of appellant's course of conduct and bent of mind in resolving disputes. We find no error in the admission of this evidence under the standard set forth in *Williams v. State,* 261 Ga. 640(2)(b), 409 S.E.2d 649 (1991). See also *Willingham v. State,* 268 Ga. 64(3), 485 S.E.2d 735 (1997).

[3] 3. Appellant contends the trial court committed reversible error by denying his motion for a mistrial after the prosecutor allegedly implied that appellant was involved in drugs. Appellant failed to object and seek a mistrial at the time the alleged improper argument occurred. Rather, the motion for mistrial based upon improper argument was made at the conclusion of the trial, after argument and jury charges had concluded and the jury had retired. Accordingly, the motion was not timely. *Mullins v. Thompson,* 274 Ga. 366(2), 553 S.E.2d 154 (2001); *Butler v. State,* 273 Ga. 380, 384(8), 541 S.E.2d 653 (2001).

Judgment affirmed.

All the Justices concur.

275 Ga. 238

In the Matter of Joseph Andrew MANISCALCO.

No. S02Y1088.

Supreme Court of Georgia.

May 28, 2002.

In attorney disciplinary matter, the Supreme Court held that imposition of 12-month suspension was appropriate discipline for attorney's admitted use of operator to recruit, recommend, or direct people to lawyer in return for fee.

Suspension ordered.

Attorney and Client ⚷58

Imposition of 12-month suspension was appropriate discipline for attorney's admitted use of operator to recruit, recommend, or direct people to lawyer in return for fee, where lawyer initially believed that operator was attorney and that fee sharing arrangement for referred clients would not be prohibited, when he discovered that operator

was not lawyer, he refused to pay percentage of attorney fees to operator, but agreed to pay marketing fee, he ceased relationship with operator prior to disciplinary investigation, he ceased prohibited conduct, he cooperated fully in disciplinary proceedings, he had no prior disciplinary record, no member of public was been harmed, and suspension was sanction in similar cases. State Bar Rules and Regulations, Rule 4-102(d), Standard 13 (2000).

William P. Smith, III, General Counsel, E. Duane Cooper, Asst. General Counsel State Bar, for State Bar of Georgia.

Goodman, McGuffey, Aust & Lindsey, Joe D. Jackson, Atlanta, for Maniscalco.

PER CURIAM.

This disciplinary matter is before the Court on Respondent Joseph Andrew Maniscalco's Petition for Voluntary Discipline filed subsequent to the State Bar's issuance of a Formal Complaint. In the petition, Maniscalco admits violating Standard 13 (a lawyer shall not compensate or give anything of value to a person or organization to recommend or secure his employment by a client, or as a reward for having made a recommendation resulting in his employment by a client; except that he may pay for public communications permitted by Standard 5 and the usual and reasonable fees or dues charged by a bona fide lawyer referral service operated by an organization authorized by law and qualified to do business in this state) of Bar Rule 4–102(d) and requests the imposition of a 12–month suspension. Although a violation of Standard 13 is punishable by disbarment, the State Bar and the special master agree that a 12–month suspension is appropriate in this matter.

Maniscalco admits that he entered into a business agreement with the operator of a business that referred clients to Maniscalco for a fee during the years 1997 and 1998. However, Maniscalco asserts that he was initially unaware that the operator was using "runners," i.e., individuals to recruit, recommend, or direct people to a given lawyer in return for a fee or other compensation from the lawyer; that he initially believed that the operator was an attorney and thus any fee sharing arrangement for referred clients would not be prohibited under the Bar Rules; and that when he discovered that the operator was not a lawyer, he refused to pay a percentage of his attorney's fees to the operator but did agree to pay a marketing fee.

In mitigation of discipline, we note that Maniscalco, who was admitted to the practice of law in Georgia in 1989, ceased his relationship with the operator prior to this disciplinary investigation; has ceased engaging in the prohibited conduct; has cooperated fully in the disciplinary proceedings; and has no prior disciplinary record. We also agree with the special master's finding that no member of the public has been harmed by Maniscalco's actions and that a short term suspension or lesser discipline has been imposed in cases involving similar conduct. See *In the Matter of Falanga,* 272 Ga. 615, 533 S.E.2d 711 (2000); and *In the Matter of Kennedy,* 268 Ga. 751, 493 S.E.2d 705 (1997).

Based on the above facts, we agree with the State Bar and the special master that the imposition of a 12–month suspension is appropriate in Maniscalco's case. Accordingly, Maniscalco hereby is suspended from the practice of law in Georgia for a period of 12 months. He is reminded of his duties under Bar Rule 4–219(c).

Twelve-month suspension.

All the Justices concur.

275 Ga. 239

In the Matter of Jimmy Kelly REEVES.

No. S02Y1153.

Supreme Court of Georgia.

May 28, 2002.

Petition for Voluntary Discipline.

William P. Smith, III, General Counsel State Bar, E. Duane Cooper, Asst. General Counsel State Bar, for State Bar of Georgia.