

STATE OF WEST VIRGINIA
OFFICE OF DISCIPLINARY COUNSEL
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September 29, 2006

Stony G. Riley
94 Grapevine Road
Martinsburg WV 25401

Re: *Complaint against Deborah A. Lawson, Esquire*
I.D. No. 06-03-186

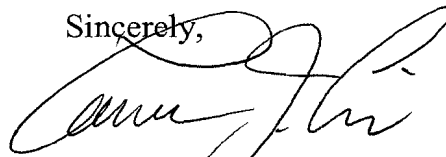
Dear Mr. Riley:

Enclosed please find a copy of the "Chief Lawyer Disciplinary Counsel Closing" with respect to your complaint against the above-referenced attorney. Under procedural rules which went into effect July 1, 1999, the Chief Lawyer Disciplinary Counsel has the authority to review and close ethics complaints instead of making a report to the Investigative Panel. It has been determined that further action is not warranted, and your complaint has been closed.

Pursuant to Rule 2.4(b)(1) of the Rules of Lawyer Disciplinary Procedure, you may file a written objection with this office within 45 days from the date of this letter, and your objection will be reviewed by the Investigative Panel.

Thank you for bringing this matter to our attention.

Sincerely,



Lawrence J. Lewis

Chief Lawyer Disciplinary Counsel

LJL/lmCk

Enclosure

cc: Deborah A. Lawson, Esquire [w/ enclosure]

**LAWYER DISCIPLINARY BOARD
CHIEF LAWYER DISCIPLINARY COUNSEL CLOSING**

I.D. No.: 06-03-186

Date Complaint Filed: March 20, 2006

Complainant: **Stony G. Riley**
94 Grapevine Road
Martinsburg, WV 25401

Respondent: **Deborah A. Lawson, Esquire**
313 Monroe Street
Martinsburg, WV 25401

Bar No.: 2157

THIS MATTER HAVING BEEN REVIEWED by the Chief Lawyer Disciplinary Counsel, pursuant to Rule 2.4(b) of the Rules of Lawyer Disciplinary Procedure, Counsel concludes that the complaint should be closed for the following reasons:

STATEMENT OF FACTS

Complainant, Stony G. Riley, filed his complaint on or about March 20, 2006, against Respondent, Deborah A. Lawson, Esq., a member of the West Virginia State Bar. Respondent was appointed to represent the Complainant for the crimes of robbery and conspiracy to commit robbery.

Complainant alleges that the Respondent failed to abide by his decisions concerning the objectives of the representation, failed to keep Complainant adequately informed as to the

status of this matter, and failed to promptly comply with reasonable requests for information. Complainant also indicates that Respondent failed to explain matters to the extent reasonably necessary to permit him to make informed decisions regarding the representation.

Complainant states that in approximately 2000 he was convicted of a felony in "L.A. County, California" in regard to the possession of a controlled substance. Complainant says that this was his first felony conviction. He was later charged with two (2) felony offenses in the State of West Virginia - one (1) for robbery and one (1) for conspiracy to commit robbery. Complainant indicates that he was advised that should he lose the "trial," "...the two felonies or felony convictions would be combined as one, but what they really meant was they were going to run the sentences together not the convictions so now that would be 3 felony convictions instead of 2 and thats (sic) why the Recidivist Act came into effect because of being misled by Deborah A. Lawson." Complainant goes on to state that "key pieces of evidence" to be used against him at trial were "lost." Complainant further states that no written or taped statements and/or confessions were available to the prosecution. Complainant states that there was a pack of gum that was placed on the counter by the offender at the time of the alleged robbery and that pack of gum does not contain his fingerprints. Complainant indicates that Respondent did not bring any of the aforementioned evidence, or lack thereof, before the jury at the trial of this matter. Complainant also says that the statements taken of various deputies who arrived at the scene of the crime are different and that "no one knows just how much money was taken." Complainant says that the

statement taken of one law enforcement officer clearly indicates that the surveillance camera at the store cannot show a description of the vehicle or of the suspect. Complainant states this fact was never brought to the attention of the jury at the trial of this matter by the Respondent.

Complainant also states that he has attempted to contact the Respondent by telephone on numerous occasions to no avail. Complainant believes the Respondent "is avoiding him." Furthermore, Complainant indicates that he has requested various items such as trial transcripts and similar items from the Respondent which have not been duly provided.

Complainant concludes his Complaint against the Respondent by indicating that had all of the evidence and/or lack of evidence been brought to the attention of the jury by the Respondent, Complainant would not have been found guilty of the charges above-referenced. Complainant states that Respondent did not act in his best interests and that he believes a conflict of interest occurred with the Office of the Public Defender, the Respondent and a third party involved in this matter.

Respondent, in her Answer, indicates that Complainant does not accurately reflect his criminal history in his Complaint. Respondent states that the Complainant was found to be a second-time felon. Respondent says that Complainant was provided with evidence documenting this fact prior to trial. Respondent further asserts that she prepared and filed all the appropriate objections to evidence prior to the trial of this matter. Respondent also states that, as of the date of the filing of her Answer, an appeal had not yet been prepared on behalf of the Complainant. Respondent indicates that she was not appointed by the Court to prepare

and file the necessary appeal in this matter. Respondent alleges that Complainant was aware of his second-time felon status and that he would be sentenced as such considering the California conviction.

Respondent states that no evidence was withheld from the jury on her part. The jury was specifically advised that a pack of gum with no fingerprints was on the counter of the store in question at the time of the attempted robbery and that the issue of money taken was raised on cross-examination and argued to the jury. Respondent states that the surveillance video referred to by the Complainant speaks for itself. Respondent states that she never represented the third party referred to by the Complainant in this Complaint and specifically denies that allegation. Respondent states that the third party in question was represented by private counsel and, therefore, no conflict existed. Respondent also indicates that all plea agreements were disclosed on the record in detail.

Respondent indicates that Complainant on more than one occasion attempted to contact her office through the use of three-way telephone calls, a direct violation of Eastern Regional Jail policy and, therefore, those calls were not accepted by the Respondent or her office as acceptance of the same could have jeopardized her ability to receive future communications from either the Complainant or other parties whom she represented. Respondent says that on numerous occasions the Complainant misrepresented himself to her office staff under some guise and those telephone calls were also declined. Respondent provided with her Answer a print-out of a telephone activity log in regard to this matter.

Respondent states that Complainant's bond was forfeited inasmuch as he had committed numerous other criminal felony and misdemeanor offenses while on bond for the case at issue. Respondent subsequently prepared and filed numerous bond requests, all of which were declined by the Court. Respondent does not recall missing any court hearings on behalf of the Complainant, but indicates that it is "possible" that someone else represented the Office of the Public Defender in regard to "an inconsequential matter like status hearings."

Respondent concludes her answer by indicating that she did not lie to the Complainant as alleged in his Complaint. Respondent says that all agreements and potential agreements were documented on the record in the event the Complainant attempted to make such false statements in regard to his representation in the future.

In reply Complainant continues to allege that the Respondent did not adequately represent him, did not speak with his parents or others on his behalf in an attempt to provide information as to the status of his ongoing criminal matter, and continues to allege that a conflict of interest existed.

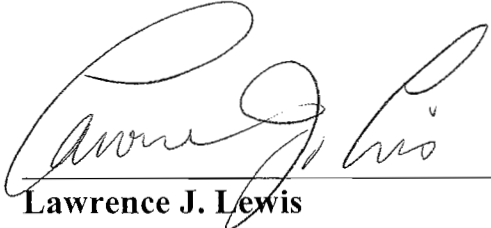
REASON CLOSED

The evidence in this case is insufficient to establish a violation of the Rules of Professional Conduct and, accordingly, this matter is dismissed.

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Pursuant to Rule 2.4(b)(1) of the Rules of Lawyer Disciplinary Procedure, the Complainant may file a written objection to this closing within 45 days of the date of the decision, which objection shall be reviewed by the Investigative Panel of the Lawyer Disciplinary Board.

CLOSING ORDERED this 29th day of September, 2006.



Lawrence J. Lewis
Chief Lawyer Disciplinary Counsel

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