

*Below is Criminal Defense Attorney Greg Cummings response to Carissa Chambers' Florida Bar complaint. Greg Cummings was fired by Carissa Chambers and her son, DeShon Thomas. In Greg Cummings' response, Greg Cummings never states why he failed to UnSeal DeShon Thomas' cell phone records nor disclosed the victims' time of death with DeShon Thomas (his client). Greg Cummings purposely withheld vital information from his client--which is a violation of Rules of Professional Conduct. Furthermore, Greg Cummings gives a lot of weight to statements made by Trentin Ross (the state's supposed key witness), however, he never got a sworn statement from Mr. Ross nor did Greg Cummings ever discuss with DeShon Thomas which of the many different statements given by Mr. Ross the State was basing the murder charges on. Note: The 2nd lead detective, Det. Don Odham, who claimed to have taken at least two of the incriminating statements from Mr. Ross' was fired or dismissed from the Leon County Sheriff's Office in 2011, a few months after DeShon Thomas was arrested. Greg Cummings never told DeShon Thomas or DeShon's mother about the firing of Det. Don Odham—again, withholding information. Greg Cummings violated several Rules of Professional Conduct.

GREGORY J. CUMMINGS
ATTORNEY AT LAW

MAILING ADDRESS
POST OFFICE BOX 546
EASTPOINT, FL 32328

PRACTICE LIMITED TO CRIMINAL DEFENSE
SINCE 1980

TELEPHONE: (850) 222-3456
FACSIMILE: (850) 670-3400
e-mail: gregcummings@fairpoint.net

August 23, 2012

Heidi E. Brewer, Bar Counsel
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300

HAND DELIVERY THIS DATE

RE: File No. 2013-00,124 (2B)

Dear Ms. Brewer:

As of August 21, 2012 I no longer represent Mr. Thomas. I filed a motion to withdraw at Mr. Thomas' request. A letter received by Mr. Thomas the next day, August 22, 2012 requested that I not withdraw.

Ms. Chambers is correct as to her son, Deshon Thomas, being charged in February 2011 with a double homicide. He is in the Leon County Jail. However, the contract dated March, 2011 also included a separate cultivation of cannabis case for which the co-defendant in the cannabis case, Trenton Ross, is the state's key witness against Deshon in the murder case. Deshon and Trenton lived together at the time of the murders and the cannabis was being grown in the closet of Trenton's room.

The initial contract called for flat fee of \$35,000 with a down payment of \$15,000 on the flat fee of \$35,000 and payments of \$1,000 per month starting May 1, 2011 for eleven months on the balance of \$20,000 with a balloon payment of \$9,000 due March 1, 2012. The contract also called for a lump sum payment of \$15,000 as a trial fee due 30 days before trial. The contract clearly stated that the \$35,000 was a non-refundable minimum fee.

Ms. Chambers had indicated the balance and trial fee should be no problem as she had friends and family that had already committed to help her. At the time the contract was entered into Ms. Chambers had only \$11,000 towards the down payment so the contract entered into was modified to \$11,000 down, \$24,00 balance and a lump sum of \$13,000 due March 1, 2012.

Ms. chambers states: "I myself, has asked Mr. Cummings for an account of how the \$30,000 plus of monies paid to him was spent."

I do not recall any request for an accounting. If there had been one I would have referred her to the contract stating the agreement was a non-refundable minimum fee, that this was a flat fee case not a case billed hourly with a notation for every bit of time spent on the case. Further, my deposits reflect a total payment of \$28,560 which reflect an insufficient funds fee of \$10 on a \$1,000 check that was returned.

The contract clearly states that I could withdraw at anytime for non-payment or late payments. As of March 1, 2012 Ms. Chambers was behind in payments on the fixed fee. As of the first, second and third times that I announced "ready for trial" Ms. Chambers made no effort to pay the trial fee. Ms. Chambers was therefore in default of the contract based on failure to pay the trial fee. The undersigned never moved to withdraw based on the contractual failures of Ms. Chambers.

Ms. Chambers states: "I have since recommended that my son FIRE Mr. Gregory Cummings. He has agreed to my recommendation."

I believe Ms. Chamber's did more than recommend that Deshon fire me.

Ms. Chambers signed the Complaint/Inquiry form on July 20, 2012. That same day at 9:35 p.m. Deshon called from the jail and left a message that I was no longer wanted on the case and that he was sending a letter stating as much. I received the message the next day and immediately contacted Deshon by phone and discussed this decision. By the end of the conversation it was clear he did not want to discharge me but his mother's influence was causing him concern. He never wrote the letter.

I saw Deshon the next week and we again discussed the issue of my representing him. He was clear he did not want to fire me but stated that his mother told him if he went with me he would be on his own. Deshon asked about the money his mother owed me and I told him not to concern himself with the money as that was between his mother and me. After further discussion Deshon indicated that what his mother meant about being on his own was not just a money threat but that she would be out of his life. He indicated that his mother was very controlling and I indicated I already knew that as discussed later. At the end of our discussion I told Deshon to think about this decision some more as it was his decision and not his mothers. However, I did tell him that after his cases were over, especially if he ended up in prison, he would need his family more after this than he needed me at the present.

On August 8, 2012 I again met with Deshon to discuss the issue of my discharge as his attorney. He indicated he wanted me as his attorney but had not decided what to do and he needed to talk to his mother before making a final decision. The next day I again met with Deshon at the jail and he indicated that he had talked to his mother and decided that I should file a motion to withdraw. I asked if he wanted that and appearing reluctant indicated yes, it's what he and his mother wanted.

The next day, August 9, 2012, I received the Compliant from the Florida Bar. Deshon had never mentioned it and I still do not know if he knew that one had been filed. A motion to withdraw was filed as requested and granted on August 22, 2012 with the Office of the Public Defender being appointed. Ms. Chambers was made aware of this by email the same day.

As mentioned at the beginning of this response Deshon has indicated in a letter written August 18, 2012, post marked August 20, 2012 and received August 22, 2012 that he wished me to reconsider filing the motion to withdraw and asking if we can start over. This letter came after Deshon was charged on August 18, 2012 with Solicitation to Commit First Degree Murder of Trenton Ross based on letters written by Deshon, recorded phone calls made by Deshon, and cooperation of the intended hit man. In the

Probable Cause for this new charge the intended hit man states among other things that Deshon admitted to the murders, Deshon told him that he can get a picture and locate Trenton Ross through his (Deshon's) Facebook page and stated that all he needs to do is friend his page and his brother and his mother monitor his page and they will accept the friend request, inferring that he has told his mother and brother to accept the hit man's friend request without any indication of their knowledge of why to accept the request.

On August 18, 2012 Deshon was confronted with the above facts/allegation and confessed to the charge.

Ms. Chambers states: "Mr. Cummings lack of attention to my son and the case at hand was severely poor."

I have been in practice for 32 years now with a practice limited to criminal defense. I have handled over 35 First Degree Murder cases and taken over 30 of those cases through trial, over 10 cases having been where the state sought the death penalty. The responsibilities inherent in such a case cannot even be imagined by a lay person or many other attorneys. Also inherent in such a case with a negative outcome is the likely hood of both a Bar Complaint and a 3.850 motion for ineffective assistance of counsel. To date I have never been found to have been ineffective nor has a bar complaint ever gone beyond a response such as this one.

The above paragraph speaks to the past and every case is different. However, although the client's interest come first, a great deal of my motivation is to prove to the jury and judge that I know the case better than the state. I'm not about to risk what I believe is a good reputation in a trial with one of the state's most experienced prosecutors and the circuit's most experienced criminal judge (James Hankinson).

I am aware that it is imperative to keep a client informed. I'm not so sure this goes for family members. My communications with Deshon were as necessary. Also, I made it clear to him and thought I made it clear to Ms. Chambers, that his and her inquiries would be answered, if at all, based on whether I had time, felt the inquiry was relevant.

The discovery provided by the state was over 500 pages (most of which was provided to Ms. Chambers) and 60 CDs and DVDs which were not proved to Ms. Chambers. While doing my normal trial preparation in this type of case with the discovery provided by the state Ms. Chambers, over the course of the first year proved me with volumes of information and documents amounting to around 200 pages plus 2 CDs. She included hundreds of questions about anything she thought important. Detailed theories of conspiracies, 110 specific questions to ask Trenton Ross, how she was going to sue the sheriff's department, and questions like why is the state charging her son with no evidence and do I think they will really take this to trial? I concluded long before the year was up that I could not answer all these questions. And I did not.

One question I tried to answer was "why was her son charged" and I told her because of his roommate, Trenton Ross, states among other things, on January 27, 2011 he drove Deshon to the scene of the double murder some 16 miles from where Deshon says he was at home, heard shots, saw Deshon run out the back door and leave the back door open (which it was open when the bodies were found), saw him

dispose of something in a dumpster; Deshon's DNA was found on the inside and outside of the back door door knob (even though Deshon lived there a few months before and may have been there a few days before), and cell phone records indicated texts from Ross to Deshon around the time Ross indicates all this happened and other records place Deshon's cell phone in the area (16 miles from where he resided) and that Deshon's only answer for this was that Ross must have taken his phone and probably sent himself a text using Deshon's phone. And finally, I answered Yes, they will take this to trial. I told Ms. Chambers that had her son been 18 at the time of the murders then the state would have sought the death penalty and that except for the fact Deshon was 17 he would be facing a very likely sentence of death sentence.

Ms. Chambers states: "My son's trial date was constantly rescheduled, I understand understand the way the judicial system works."

Ms. Chambers does not understand the judicial system. She complains that trial was constantly rescheduled. Three times exactly. The first two both at the request of the state due to unavailability of a witness and the third due to the Judge having surgery. All three times I announced ready for trial. Something I would never do if I was not ready. Had I felt the need for a defense request for a continuance the court would have granted it with little fuss. Delays and continuances happen more often than not. In this case Deshon's murder trial is currently set for October, if I were still his attorney I would have filed a motion to continue the case based on the new charge of Solicitation to Commit First Degree Murder of Trenton Ross and the next time I would have announced ready for trial I would have been ready, as I was the last three times.

Ms. Chambers states in general about lack of communication:

Yes, there are many times where it can be months where there is little or no communication between myself and my clients. I let them know that from the onset. If I do not have questions I am not going to go to the jail to chat. This case was no different. Many times in cases that last over a year or longer, like this one, nothing happens for months at a time. Deshon knew what our issues were and the problems to overcome and it appears he tried to solve on of them himself. I am blunt about the facts and do not coddle my clients or tell them what they want to hear. Deshon did not hear much good stuff when we discussed the facts the state would present.

Initially I communicated often with Ms. Chambers then it appeared I would be answering scores of frivolous questions, defending what I had done or defending what I have not done and have I read the latest stuff/questions she had provided. Much of the lack of communication was do to the excessive questions and materials of which some information was very helpful. Some was due to her emails in my junk mail and finding them much later than normally. I am unaware of the exact periods of time where there was no contact between myself and Ms. Chambers. I'm sure there were many. On July 18, 2012 in an email I told Ms. Chambers:

I appreciate and read what you send me but I do not feel I need to reply to it for many reasons: The foremost being is that you are not my client and having read

this material 2 times now I feel I know what issues need to be addressed. Many of the inconsistencies or issues you have raised are, to me, far removed from what can help Deshon and do nothing to help disprove the case against him. I do not have the time to address all your questions nor would I. I feel reading them and considering the issue raised is the important thing for me to do.

On July 20, 2012 this complaint was filed.

Earlier I stated that Deshon had told me his mother was controlling and I agreed with him. Deshon was 17 when he was charged with this double homicide. He was not familiar with the adult system and initially I did not want to give Deshon the 500 pages of discovery and his mother agreed with this. Later as trial approached while discussing various aspects of the case with Deshon he indicated he wanted to see the discovery. I agreed because he was older, appeared wiser and indicated he realized what other inmates would do "by jumping on his case" if they got to read the discovery. He assured me this would not happen.

I requested Ms. Chambers make a copy of the discovery for Deshon as she was responsible for such items. She vetoed this and indicated she felt it was in his best interest not to have it and said Deshon agreed with her also. In his letter Dated August 18, 2012 Deshon now wants his discovery, with no mention of his mother.

Another example is when Ms. Chambers said in reference to the trial and defense we needed to meet to make sure "we are on the same page". Another time she indicated she had typed up questions that needed to be asked for all the witness at trial not to mention the 110 questions she had typed up for me ask Trenton Ross at his deposition.

Another example was about 4 weeks before trial, at a time when the final preparations are being done when I indicated I will be seeing Deshon. The next day Ms. Chambers, in an email, stated that she had instructed Deshon not to talk to me until she had a chance to talk to me.

I prepare my cases my way, ask the questions I think need to be asked, discuss the case and see my client when necessary especially when he is a young teenager. I prepare documents as needed, witness lists as needed, subpoenas as needed, do depositions as needed and work out discovery issues with the state, all of which was done in this case. the client makes some decisions, but not many. I base my trial preparation on thirty-two years trying cases, having tried twice as many Murder cases than anybody else in this circuit, having won more Murder cases than most others have even handled, let alone tried. I was ready for trial despite the above.

Gregory J. Cummings

cc: Carissa Chambers