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April 8, 2013

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

RE: File No. 2013-00,805 (2B)

Dear Ms. Brewer:

I would ask that you review and consider my response dated August 23, 2012 to Mr. Thomas' mothers complaint in File No. 2013-00, 124 (2B) in addition to this response.

1. Mr. Thomas complains I never shared with him any information that could contradict the State's evidence and exonerate him ... potential witnesses valuable to the defense ... or alibi witnesses.

Mr. Thomas was informed that the main problems were his DNA on the back door handle of the two victims residence, cell phone records and his roommate. He was told that it would be possible to argue that the DNA was left at a different time as he had been to that residence numerous times. That is an easy argument to make but unfortunately it was consistent with what the roommate/eyewitness had told the police.

As for the cell phone records they speak for themselves and that was conveyed as a real problem because they also corroborated the roommates story. Mr. Thomas' response was that his roommate could have taken his phone with him and placed calls to it while in the vicinity of the two victims residence. There was never any discussion as to defenses to this other than placing the blame on the roommate.

As for the roommate Mr. Thomas was informed by me that it appeared as though only three people did this; him, the roommate or the alleged people one of the victims had issues with. The "alleged people" was a tenuous defense at best, the roommate as the killer was more plausible as Mr. Thomas had previously had sex with his girlfriend and the roommate was charged with Mr. Thomas as a codefendant involving charges of cultivation of marijuana. The roommate's case kept getting continued and from the defense point of view the continuances were to ensure his cooperation and would benefit from his testimony.

The state obviously believed it was the third possibility, Mr. Thomas. Mr. Thomas was informed that the roommate was the State's main witness and short of the DNA the entire case rested on him. Perhaps that is why he is now charged with solicitation to kill the roommate. There were also some issues about people visited after the killings but they were not that helpful to the State.

I do not recall any witnesses that were really valuable to the defense especially to provide an alibi. None were ever give to me about an alibi and therefore no Notice of Alibi was ever filed. Mr. Thomas said he was at his apartment, where his roommate also lived and the roommate was not an alibi for him.

2. I never shared the fee agreement with him.

This is true. He was 17 at the time and his mother was to pay the fees. I doubt he was ever told that the amount was nonrefundable but he was told I would work with his mother as to the payments and she was paying a lot of money. I do not remember if he was ever told the total amount of the fee agreement. Mr. Thomas made the final decision to hire me although his mother seemed to control him.


When the issue of his mother wanting to discharge me arose we did discuss the money she still owed and I told him not to worry about the money as that was an issue between his mother and me, that I understood the pressure she was putting on him and that it was his decision to discharge me, a decision he later requested of the court and shortly thereafter requested in writing if I would still represent him.

3. That I swindled my way into representing him.

Mr. Thomas's mother had made it clear she did not want a court appointed attorney to handle her son's case. After I was informed I would be hired the Office of the Public Defender withdrew and Regional counsel also withdrew. Mr. Baya Harrison was appointed as a conflict attorney. I contacted Mr. Harrison before he knew he was appointed and informed him I was to be retained. I doubt I ever mentioned Mr. Harrison to Mr. Thomas and if I did I would never say anything bad about Mr. Harrison. In fact, I previously had Mr. Harrison appointed as my co-counsel in a First Degree Murder - Death Penalty case which we had tried together just a few months before meeting Mr. Thomas and we are currently working together on a multiple defendant First Degree Murder case.

4. Mother's attached allegation about providing a copy of the file.

I replied directly to Mr. Thomas to the January request but do not recall a second request. Mr. Thomas was informed that he would have to get the requested material from his current attorney.



Gregory J. Cummings

cc: DeShon Thomas

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\*In this response-- Greg Cummings does not give a defense of an attorney who has 32 years of experience. DeShon Thomas' DNA on the backdoor was Mixed DNA, this is what the FDLE laboratory report stated. Mixed means made up of or involving persons of more than one. DeShon did not just visit the residence DeShon had once lived at the residence.

\*Greg Cummings supports Trentin Ross' statements when he never deposed Trentin Ross.

\*Greg Cummings Never showed DeShon Thomas a copy of his cell phone records.

\*Greg Cummings Never showed DeShon Thomas a copy of Trentin Ross' cell phone records.

\*Greg Cummings Never disclosed the victims' time of death with DeShon Thomas. The female victim's cell phone outgoing activity stopped at 10:59 p.m. Her cell phone went from being active to completely inactive.

\*Greg Cummings ignored all alibis for DeShon Thomas

\*Greg Cummings ignored a neighbor/ eyewitness who seen the male victim allowing another male into the residence within the timeframe of the female victim's last cell phone activity. Greg Cummings—who was that male entering the home? Greg Cummings doesn't know because he failed to hire a private investigator to find out.

\*Greg Cummings Does Not mention how the 1<sup>st</sup> Lead Detective on the case, Det. McBride's investigation didn't find sufficient probable cause to charge DeShon Thomas with the murders.

\*Greg Cummings Does Not mention how Lt. Baxter concluded his investigation without sufficient probable cause to charge DeShon Thomas with the murders.

\*Greg Cummings Does Not mention the many different statements supposedly given by Trentin Ross to Det. Odham and Ganey.

\*Greg Cummings Does Not mention the FIRING of Det. Don Odham at all to DeShon Thomas.

\*Greg Cummings Does Not mention Trentin Ross as being a possible suspect to the murders.

\*Greg Cummings Does Not mention the Voice Stress Analysis of Riley Ewell (Trentin Ross' girlfriend whom DeShon had sex with) the Stress Analysis showed "No Deception."

\*Greg Cummings Does Not know the extent or any information about Trentin Ross and Riley Ewell's relationship to assume that Trentin Ross would be angry with DeShon for having sex with his girlfriend, Riley.

\*Greg Cummings Does Not mention that Deshon Thomas had a girlfriend, as to if Trentin Ross was going after revenge why not go after Deshon's current girlfriend versus a past girlfriend.

\*Greg Cummings Does Not mention that Trentin Ross told Lt. Baxter that he was not for sure if the female victim was pregnant with DeShon Thomas' baby. This again, brings up the question as to why would Trentin Ross target the female victim versus DeShon's current girlfriend?

\*Greg Cummings NEVER mentions a defense for the Cultivation of Marijuana/ Possession of Drug Paraphernalia charges because he knows that they are Bogus charges. In order to have DeShon Thomas charged with Cultivation of Marijuana/Possession of Drug Paraphernalia to which he was charged as an Adult, Leon County Sheriff's Detectives LIED about having a witness—and that witness WAS NOT Trentin Ross because the 5 planted stems of marijuana was found in Trentin Ross' bedroom closet—and Trentin Ross admitted to caring for the plants. Trentin Ross never tells detectives that the plants belonged to DeShon Thomas.

\*Greg Cummings is especially lying about DeShon Thomas' mother not wanting a court appointed attorney. DeShon was in jail for over 30 days—DeShon did not know that he had a court appointed attorney—the Clerk of Court did not know that DeShon Thomas had a court appointed attorney because it was kept from public knowledge—from the clerks office.

\*After Greg Cummings being on the case for 16 months—there are more questions than answers because Greg Cummings did not provide effective counsel. The below response to DeShon Thomas' complaint to The Florida Bar shows how little Greg Cummings valued DeShon Thomas as a client.