

December 15, 2012

Ms. Annemarie Craft, Bar Counsel
Attorney Consumer Assistance Program
651 East Jefferson Street
Tallahassee, FL 32399-2300

Dear Ms. Craft:

Since you are responding to my letter addressed to Ms. Heidi Brewer dated November 20, 2012, I can only guess that you have been placed over the handling of my Florida Bar Complaint File No. 2013-00, 214 (2B) against Mr. Gregory Cummings which was once handled by Ms. Heidi Brewer.

In your response dated December 6, 2012, you state various things that I "allege", when in all actuality the evidence that I provided to the Florida Bar is fact. I find your response very unfortunate and I have to question your level of competency in regards to my original complaint. After speaking to a number of attorneys both in Tallahassee and in Central Florida, they all agree as for a defense attorney to not depose the key witness, not to hire a private investigator, failure to disclose pertinent information upon the clients request to the client, to only communicate with a client (a 17-year-old) three times over the course of a year without presenting any type of planned legal defense and to completely ignore messages left by the client in any murder case, let alone a double murder case is completely unethical and shows a high disregard for the client.

If you look at the enclosed Authority To Represent and Contract For Services, Mr. Cummings lists Second Degree Murder, Leon County, Florida—when in fact my son does not (did not) have a Second Degree Murder charge. Days before the signing of this contract, my son received an additional charge of Possession of a Firearm by a Juvenile Delinquent. I informed Mr. Cummings of the charge before signing the contract because he had not listed it on the contract. Mr. Cummings told me not to worry about it—in which I found that to be odd. He said that he would take care of it. Mr. Cummings never explained to me anything about attorney fees as far as flat fees, hourly fees, etc. Why would an attorney not list all of the charges against his client on a contract for service in which he plans to represent before the court? I was to pay Mr. Cummings in full at the time of trial. Mr. Cummings never announced trial because for one he never sat down with my son to discuss anything in regards to a legal defense and two my son's trial date kept being rescheduled. So why should I have paid Mr. Cummings the balance due before the due date? Furthermore, as I stated in my rebuttal, "money is a small factor." So for you, Ms. Craft, to state that I allege "Mr. Cummings charged you an excessive fee," again leaves me to question your level of competency of my original complaint and my rebuttal. I never stated that I had a problem with Mr. Cummings fee amount.

As listed in Number 3 of the contract, Mr. Cummings lists among other things about "the court may declare partial indigency." One of the things Mr. Cummings promised was that he would have my son file Indigent, which never happened. The cost of employment of investigators is another thing listed. Before hiring Mr. Cummings, other attorneys that I consulted with seemed to feel that getting an investigator on my son's case was essential to a positive outcome. Six months after retaining Mr. Cummings, I asked if he was going to hire an investigator or should I hire one. Mr. Cummings response was to "let's wait before doing that." Soon thereafter he became evasive. Not returning emails or phone calls. In which the email evidence that I submitted to the Florida Bar in my rebuttal supports that. Although I made several phone calls to Mr. Cummings that went unanswered, to communicate via email was Mr. Cummings suggestion.

You state that there "is insufficient evidence from the materials provided that Mr. Cummings has violated any of the rules adopted by the Supreme Court of Florida," I ask that you visit the Florida Bar website and read the article entitled 'Supreme Court Disciplines 17 Attorneys'. Under Summaries of orders issued between July 24 and Sept. 26, 2012, there is a defense attorney by the name of Charles A. Esposito. His order is listed as follows:

Charles A. Esposito, 94 Fulton Place, Palm Coast, to be publicly reprimanded by a referee, following a July 31 court order. Further, Esposito is placed on probation for six months. (Admitted to practice: 1992) In multiple instances, Esposito failed to properly communicate with clients, failed to provide adequate and competent representation, failed to promptly and reasonably consult with clients, and failed to give reasonable notice to clients upon termination of representation. Also, Esposito did not clearly communicate client fees and scope of representation when retaining clients. (Case No. SC11-834)

In communicating with my son and I, Mr. Cummings failed all of the above accept to give reasonable notice to client upon termination of representation. If the Florida Bar is saying that it's ok for an attorney to communicate with a client a total of 3 times over the course of 1 year charged with murder—facing life in prison then maybe the case of Defense Attorney Mr. Charles A. Esposito and other attorneys who have been disciplined by the Florida Supreme Court for failure to communicate with their clients need to be appealed. Or maybe they need to take a class action against the Florida Bar or something. Because whether it's one person or a group of people—a violation is a violation.

In closing, I recently obtained a copy of Mr. Cummings Motion to Withdraw from my son's case (I have enclosed a copy for your review). Under Number 1 Mr. Cummings states that "On May 12, 2011 the undersigned was retained by the defendant's mother..." As the contract states, Mr. Cummings and I signed a contract on March 12, 2011, therefore, I retained Mr. Cummings on March 12, 2011. I don't believe this to be a mistake—because as stated in my rebuttal—I met Mr. Cummings in mid-February—one of the reasons why I retained Mr. Cummings was because he was constantly calling me despite the fact that I told him that I was waiting to speak with whatever public defender that was going to be assigned to my son's case. My son sat in jail for over 30 days without a public defender—they'd conflict off of the case. On March 8, 2011, Mr. Cummings called me eager to take on my son's case. Now I know that this was the same day that my son's case was sent to Conflict Counsel's Office, in which Mr. Cummings worked under but straight up told me back in February that he would not be assigned my son's case out of their office. So with an indictment and additional charges being brought upon my son, when I received that call from Mr. Cummings, I agreed to meet with him on March 12, 2011. I still called the Conflict Counsel's office just about every other day trying to find out who was assigned to my son's case. Each time I was told "nobody has been assigned yet ma'am." According to Court Docket (see enclosed), the Motion to Appoint Conflict Counsel was dated March 8, 2011. Mr. Cummings name 1st appears on the Court Docket on 3/14/11. The courts did quite a bit of withdrawing, appointing, and adding of on 3/21/11-- Conflict Counsel wasn't added until 3/21/11, less than two weeks after I retained Mr. Cummings. Also, the Court Docket shows that Greg Cummings was added to my son's case on 3/22/11—going as far as to state that Mr. Cummings substituted as Private Counsel two weeks after I retained him. Substitute means to replace—there was no attorney on my son's case when I retained Mr. Cummings. This makes it look as if my son had a court appointed attorney and then I hired Greg Cummings--which in fact is false.

When dealing with the judicial system, it is my belief that accurate timing of filing motions is crucial--the same as the timeline leading up to and after a murder investigation. My son has two alibis for the night of the murders. My son was at work, in which the victims lived 19 miles away. My son did not have a car or access to a car. His manager and a co-worker accounted for him being at work the entire time of his shift (without taking a break). After Mr. Cummings received the Discovery Report to include the Medical Examiner's Report of the two victims, my son and I asked Mr. Cummings what was the Medical Examiners estimated time of death. This question went unanswered repeatedly. Finally Mr. Cummings told me that it was confidential information and that he could not share that information

with me or my son. According to what my son had told me and the Leon County detectives—matched what was on the Discovery Report—which was that he received a text message from the female victim around 11 p.m. He did not text her back. The Discovery Report showed that the text message sent to my son at 10:59 p.m. was the last cell phone activity from the victim's cell phone. As of today, December 15, 2012, nearly two years since the murders of my son's 20 year-old pregnant ex-girlfriend and her 17-year-old brother and nearly two years of my son's arrest, the estimated time of death of the victims still remains a mystery to us because Mr. Cummings never answered our question. Just like there is no sworn statement from my son's then roommate who supposedly said that he drove my son over to the victims' residence around 4 a.m. and basically witnessed my son murder the two victims. This roommate is not and has not been charged or arrested with any type of involvement to a murder. LCSO Lead Detective Don Odham, who was fired in August 2011 (another piece of information that Mr. Cummings failed to convey to us) was probably by all accounts not qualified to be a lead detective in a double homicide case. He was a reserve deputy for 17 years and from what I've been told he was a wealthy friend of both Sheriff Larry and Assistant State Prosecutor Jack Campbell. Detective Odham was the 2nd Lead Detective over my son's case. He's the one who prepared the Probable Cause for 2 Counts of First Degree Murder. I was told that Detective Odham is a known liar amongst his colleagues. The 1st Lead Detective interviewed my son's roommate 2 or 3 times along with a Lieutenant and others, but Detective Odham is the only one to walk away with a 3 different versions of accounts from one person saying that my son murdered the two victims.

Now whether the Florida Bar takes the appropriate action or the Florida Supreme Court take direct action against Mr. Gregory Cummings—the appropriate action will happen. There is a higher power—and His wrath is real. In Mr. Cummings response to my complaint he mentions the name Judge James Hankinson. So I'm going to mention this name—Jesus!

Sincerely,

Carissa Chambers
Proud Mother of DeShon Rashard Thomas
Note new address: 244-01 Maltese Circle, Fern Park, FL 32730

cc: DeShon Rashard Thomas
Gregory Cummings