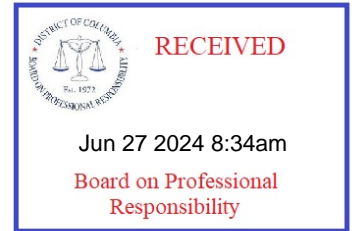


DISTRICT OF COLUMBIA COURT OF APPEALS BOARD ON
PROFESSIONAL RESPONSIBILITY



In the Matter of:

Disciplinary Document: 24-168

KEVIN J. MCCANTS, ESQ., Respondent

A Member of the Bar of the District of Columbia Court of Appeals

Bar Number: 493979

Date of Admission: 09/09/2005

Denial

I, one hundred (100%), deny any negligence or wrongdoing on 10/5/24 as outlined by Disciplinary Counsel's Petition. On January 11, 2024, I was fully cleared of any wrongdoing by the federal agents handling this matter. I didn't do anything wrong procedurally or morally wrong when entering DC jail that day. I think the incident reports were inartful written by the guards and most of the information that got to the jail director was built on myths that the paperwork brought into the jail was wet at the time. The video evidence of me

entering the facility that morning shows Officer Branch first scraping the documents with her fingernails, then getting a ruler from Sgt. Rosser to scrap anything off the paperwork unsuccessfully; but her writing on the report says the document was “soak[ed]] in some liquid or oily. She would not have been scraping wet documents. No question the documents given to my office by a client’s family member as “appeal paperwork” was fully declared as “documents from a client to a guard at entry (as tangibly documented) and give back to me after being inspected upon my entry into the facility on 10/5/23, and then Alpha team member Branch said if the paperwork is from a client’s family she needed to call a superior to look at it since it appeared “stained.” The document wasn’t purportedly called “wet” until the warden interpreted the guards inventory paperwork as describing it as “looking wet,” “stained” or “soaked” in solution to describe the texture or coloring of the paperwork.

The key to this case is the video from the command center video of me going through security (not the body worn camera video minutes after the fact the jail tried to supply the investigating federal agents with at first) to show the reports written by Alpha One guard Branch is untrue that (i) she “discovered” suspicious paperwork, (ii) that I declared the documents upon entry into the facility, and (iii) the documents were not wet. The documents may have looked “oily” and that is why I brought that fact to the guards attention first and stated I

got these from a client's family member. I didn't think I should have denied a person research on their appeal but I agree the documents looked suspect.

I haven't felt a need to ask for due process in the form of an administrative hearing in response to the 12/7/23 barring notice from the jail since I had been limiting my practice to civil cases by choice.

After this incident, I took steps toward early retirement and moved to live in our rental property in Seattle. However, I would like an in-person evidentiary hearing.

I think it was just a miscommunication from the jail guard and the warden/director getting information that synthetic marijuana which was stained was on dry paper and "looked wet" as Sgt. Rosser from the jail report states although the paperwork was clearly dry, and the barring decision was made.

Respectfully submitted,

Dated: 6/7/24

/s/Kevin McCants (493979)