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VIRGINIA:

BEFORE THE CIRCUIT COURT FOR THE CITY OF RICHMOND

**IN THE MATTER OF
VAUGHAN CHRISTOPHER JONES**

**CASE NO. CL19-4597-8
VSb DOCKET NO. 19-032-113123**

**AGREED DISPOSITION MEMORANDUM ORDER
FOR A PUBLIC REPRIMAND WITH TERMS**

This matter came to be heard on Thursday, January 16, 2020, before a Circuit Court Three-Judge panel, upon the joint request of the parties for the Court to accept the Agreed Disposition endorsed by the parties and offered to the Court as provided by the Rules of the Supreme Court of Virginia. The panel consisted of the Honorable Susan L. Whitlock, Judge of the Sixteenth Judicial Circuit, Designated Chief Judge, the Honorable Thomas B. Hoover, Retired Judge of the Ninth Judicial Circuit, and the Honorable Wilford Taylor, Jr., Retired Judge of the Eighth Judicial Circuit. Vaughan Christopher Jones was not present but was represented by counsel, Paul D. Georgiadis. The Virginia State Bar appeared through its Assistant Bar Counsel, Laura Ann Booberg. The Chief Judge polled the members of the panel as to whether any of them were aware of any personal or financial interest or bias which would preclude any of them from fairly hearing the matter to which each judge responded in the negative. Court Reporter Jennifer L. Hairfield, Chandler and Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

WHEREFORE, upon consideration of the Agreed Disposition, the Certification, respondent's Answer, respondent's Disciplinary Record, the arguments of the parties, and after due deliberation,

It is **ORDERED** that the Circuit Court accepts the Agreed Disposition and the Respondent shall receive a Public Reprimand with Terms. The Agreed Disposition is attached to and incorporated in this Memorandum Order.


It is further **ORDERED** that the sanction is effective January 16, 2020.

The Clerk of the Disciplinary System shall assess costs pursuant to ¶ 13-9 E. of the Rules.

A copy teste of this Order shall be mailed to the Respondent, Vaughan Christopher Jones, at his last address of record with the Virginia State Bar, Johnson Jones LLP, 1622 W Main St., Richmond, VA 23220, with an attested copy to: Respondent's Counsel, Paul D. Georgiadis, at Law Office of Paul D. Georgiadis, PLC, 2819 North Parham Road, Suite 110, Richmond, VA 23294-4425, Laura Ann Booberg, Assistant Bar Counsel, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0026, and to the Clerk of the Disciplinary System, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, VA 23219-0026.

ENTERED THIS 16th DAY OF JANUARY, 2020

CIRCUIT COURT FOR THE CITY OF RICHMOND



Susan L. Whitlock, Chief Judge
Three-Judge Circuit Court



VIRGINIA:

BEFORE THE CIRCUIT COURT OF THE CITY OF RICHMOND

VIRGINIA STATE BAR EX REL
THIRD DISTRICT, SECTION II COMMITTEE
VSB Docket No. 19-032-113123

Complainant,

v.

Case No. CL19-4597-8

VAUGHAN CHRISTOPHER JONES,

Respondent

AGREED DISPOSITION
(PUBLIC REPRIMAND WITH TERMS)

Pursuant to the Rules of the Supreme Court of Virginia, Part Six, Section IV, Paragraph 13-6.H, applicable to this proceeding and pursuant to §54.1-3935 of the Code of Virginia, 1950, as amended, the Virginia State Bar, by Laura Ann Booberg, Assistant Bar Counsel, Vaughan Christopher Jones, Respondent, and Paul Dimitri Georgiadis, Esquire, counsel for Respondent, hereby enter into the following agreed disposition arising out of the above-referenced matter.

I. STIPULATIONS OF FACT

- 1 For all times relevant hereto, Respondent has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. Timothy Long ("Long") was charged with arson of a dwelling in Charlotte County, Virginia.
3. Long was represented by court appointed counsel. Long cooperated with police and told officers that he was under the care of a physician, and was depressed and suicidal.
4. On the court appointed counsel's advice, Long pled guilty. Pre-sentencing interviews revealed that Long had a family history of suicidal ideations. The sentencing guidelines recommended probation and no active incarceration.

5. Despite the recommendation, on January 6, 2014, Long was sentenced to 25 years in prison with 10 years suspended. Long's court appointed counsel filed a Motion for Reconsideration, which was denied. Long did not pursue a direct appeal of his conviction.
6. Respondent provided a payment ledger showing that, on March 11, 2016 and November 14, 2017, more than two years after Long was sentenced, Respondent received client payments of \$3,000 each for representation in filing *habeas corpus* petitions first in state court and then in federal court. Long understood from Respondent at the time that he retained Respondent, and Respondent agreed to represent Long knowing that the deadlines for seeking state and federal relief had expired.
7. On April 19, 2017, over a year after Respondent received payment, he filed a petition seeking *habeas corpus* relief from the Supreme Court of Virginia. On October 6, 2017, the Court found that the state petition was time-barred because the two-year period to file expired on January 6, 2016.
8. On January 22, 2018, Respondent filed a *habeas corpus* petition in the United States District Court for the Eastern District of Virginia, Richmond Division. The Honorable John A. Gibney, Jr. ("Judge Gibney") presided over the case.
9. On March 16, 2018, the Commonwealth moved to dismiss the petition based on the expired statute of limitations.
10. On April 10, 2018, after Respondent chose not to file a Reply as he was permitted to do under Rule 5(e) of the Rules governing Section 2254 Cases, Judge Gibney ordered Respondent to file a response within 14 days (by April 24, 2018). Respondent thereafter timely filed Petitioner's Response to Respondent's Motion to Dismiss (Response to Motion to Dismiss) on April 22, 2018.
11. Respondent argued in his Response to Motion to Dismiss that the statute of limitations should be equitably tolled because Long's mental health prevented him from filing a timely *habeas corpus* petition. He further argued and relied upon a 9th Circuit case, Laws v. Lamarque, 351 F.3d 919 (9th Cir.2003), which allowed for an evidentiary hearing to develop further medical evidence based upon similarly prior medical evidence with only bare and conclusory assertions about more recent medical issues which prevented the petitioner from timely filing for habeas relief.
12. In the *habeas corpus* petition, Respondent sought an evidentiary hearing and argued that court appointed counsel should have presented evidence regarding Long's mental health. He argued that, "an attorney provided with information regarding a sound medical and mental infirmity must investigate this issue and ultimately present it at sentencing to allow a sentencing court to consider its impact on an appropriate punishment." Despite this assertion, Respondent did not provide any documentary evidence regarding Long's mental health in his Response to the Motion to Dismiss.

13. Long told the VSB investigator that he informed Respondent that he received mental health treatment from Dr. Wilson, and at several of the locations where he had been confined, including Charlottesville Regional Jail, Piedmont Correctional Center, and Nottoway Correctional Center. Respondent acknowledged that Long gave him this information. Despite this, Respondent did not obtain medical evidence to present in support of his Response to Motion to Dismiss.
14. Without submitting any documentary evidence, Respondent argued that Long suffered from PTSD, depression, anxiety, and dysphoric thoughts. However, in the pre-sentence investigation report, Long had stated that he started taking new medication after his arrest and was "feeling like [his] old self again." At trial, Long's stepfather testified that he saw "dramatic improvement and change" in Long's demeanor and that Long was "back to probably like he was before any of this happened, before the murders. He talks, makes sense."
15. Respondent's file also contained three medical notes reflecting psychiatric treatment received by Long in 2012. The file contained no evidence of any form of mental health treatment for any period after 2012.
16. On July 16, 2018, since Respondent did not provide any documentary evidence to establish Long's mental health disability or a causal connection between his disability and the untimely filing of the *habeas corpus* petition, the court dismissed the petition. The dismissal was based on Long's failure to meet the standard required for the doctrine of equitable tolling. In the written decision, Judge Gibney highlighted the statements regarding Long's improvement in mental health and found that the court could not grant equitable tolling based on a conclusory allegation that Long's mental illness caused his failure to file on time.

II. NATURE OF MISCONDUCT

Such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RULE 1.3 Diligence

(a) A lawyer shall act with reasonable diligence and promptness in representing a client.

III. PROPOSED DISPOSITION

Accordingly, Laura Ann Booberg, Assistant Bar Counsel; Vaughan Christopher Jones, Respondent; and Paul Dimitri Georgiadis, counsel for Respondent tender to the Three-Judge Panel for its approval the agreed disposition of a Public Reprimand with Terms as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by the Three-Judge Panel. The terms with which the Respondent must comply are as follows:

1. Respondent is placed on probation for a period of six (6) months commencing upon the date that the Three-Judge Panel enters a final Memorandum Order approving the agreed disposition. During such probationary period, Respondent will not engage in professional misconduct as defined by the Virginia Rules of Professional Conduct or the disciplinary rules of any other jurisdiction in which the Respondent is admitted to practice law. Any final determination that Respondent engaged in professional misconduct during this probationary period made by a District Subcommittee, District Committee, the Disciplinary Board, a Three-Judge Panel or the Supreme Court of Virginia shall conclusively be deemed to be a violation of this Term.
2. Within thirty (30) days of the date that the Three-Judge Panel enters a final Memorandum Order approving the agreed disposition, Respondent shall certify to bar counsel that he has paid three thousand dollars (\$3,000.00) to Timothy Long. This amount represents a refund of one half of Respondent's legal fee.

Upon satisfactory proof that such terms and conditions have been met, this matter shall be closed. If, however, all the terms and conditions are not met by the deadlines imposed above, the Respondent agrees that the alternative disposition shall be a three (3) month suspension of

Respondent's license to practice law in the Commonwealth of Virginia, pursuant to Rules of Court, Part Six, Section IV, Paragraph 13-18.O.

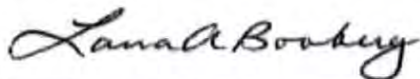
The Respondent and his counsel agree further that if the Three-Judge Panel designated to hear this matter approves this agreed disposition, this agreed disposition becomes **Final and Non-Appealable** and the Respondent waives the right to seek a stay of the sanction or appeal this agreed disposition or the Memorandum Order to be issued.

The Respondent and his counsel agree further that if, for any reason, the Three-Judge Panel designated to hear this matter declines to approve this disposition, then the same Three-Judge Panel shall hear, preside over and conclude the hearing of this matter in accordance with the designation by the Supreme Court of Virginia as previously scheduled, and the Respondent waives any challenge to the composition of the Three-Judge Panel based on its consideration and/or rejection of this agreement.

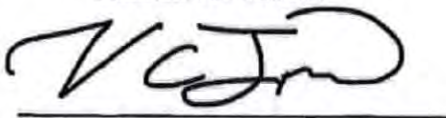
If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess costs.

Pursuant to Part 6, § IV, ¶ 13-30.B of the Rules of the Supreme Court of Virginia, Respondent's prior disciplinary record shall be furnished to the Three-Judge Panel considering this agreed disposition.

THE VIRGINIA STATE BAR



Laura Ann Booberg
Assistant Bar Counsel



Vaughan Christopher Jones, Esquire
Respondent


Paul Dimitri Georgiadis
Counsel for Respondent