

STATE OF NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE

COUNTY OF GUILFORD

2001 MAR -5 PM 12:34

SUPERIOR COURT DIVISION

00 CrS 22316

GUILFORD COUNTY, C.S.C.

BY CAF

IN RE T.O. STOKES

Attorney at Law

ORDER OF DISCIPLINE

This matter is before the Court pursuant to an Order to Show Cause issued February 15, 2001, to attorney T.O. Stokes to appear and show cause concerning whether he should be disciplined by the Court. The Court has considered those matters of record in 95 CrS 21035-36, State v. Munoz, and heard from Mr. Stokes, who was present.

The Court finds that:

1. The defendant Victor Munoz was found guilty by a jury of Trafficking in Cocaine on September 1, 1995, and sentenced on October 11, 1995.
2. That after sentencing the defendant gave notice of appeal and appellate entries were signed by the presiding judge appointing T.O. Stokes to represent the defendant on appeal;
3. That T.O. Stokes thereafter entered an appearance for the defendant and filed motions on his behalf concerning forfeiture of property;
4. That the appeal was never perfected by T.O. Stokes in a timely fashion;
5. That the Court of Appeals by Order signed February 24, 1999, and filed in Guilford County on February 26, 1999, directed that T.O. Stokes be discharged as appellate counsel and that new counsel be appointed.
6. By failing to perfect the appeal, T.O. Stokes violated his ethical and professional responsibilities to Mr. Munoz and violated his professional duty to this Court to represent clients when appointed to do so.
7. This violation was not intentional but was negligent. This was the second instance in which Mr. Stokes negligently failed to perfect an appeal in a criminal case in which he was appointed to represent an indigent defendant. See 00.CrS 23865.
8. Mr. Stokes has accepted responsibility for his error.
9. While Mr. Stokes is now fully aware of his obligation to represent clients on appeal when appointed to do so by the Court unless and until he is allowed by written order to withdraw from that representation and while Mr. Stokes has accepted responsibility for his mistake, this is the second case in which this problem has occurred. Mr. Stokes has had other

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discipline imposed by the State Bar for failure to meet his obligations to his clients.

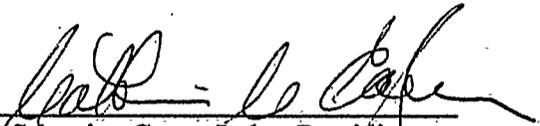
10. Mr. Stokes represented to the Court that he had examined his files and had only one case in which appellate entries had been signed stating that he was representing a criminal client on appeal. He represented to the Court that this case is State v. John Wilson, 99 CrS 109266; that the court reporter is presently preparing the second transcript; that the appeal is on track and no deadlines have been missed; and that he has associated Walter Jones of the Greensboro Bar to assist in the representation on appeal.
11. That Walter Jones is an experienced criminal defense attorney at both the trial and appellate level.

It is therefore ORDERED that:

1. Except as set forth in Paragraph 2, T.O. Stokes is prohibited from representing a criminal defendant on appeal in state court unless and until he meets the following conditions: (a) writes a three page legal memo concerning the rules and procedures which apply in perfecting criminal appeals, and which apply when a client decides not to pursue an appeal, which memo shall be filed with the Clerk in this cause and a copy provided to the undersigned judge in chambers; (b) attends at least three hours of Continuing Legal Education on appellate practice by an entity approved by the North Carolina State Bar to offer CLE; and (c) establishes written procedures for his office to insure that all criminal appeals are appropriately perfected and briefs filed. Upon compliance with these conditions, Mr. Stokes may file a motion seeking lifting of this prohibition, but until then Mr. Stokes may not represent a client on appeal until the Court has acted on his motion except as set forth in paragraph 2.
2. T.O. Stokes may continue to represent John Wilson on appeal in 99 CrS 109266 so long as Walter Jones continues to also represent Mr. Wilson. If that circumstance should change, T.O. Stokes shall immediately notify the undersigned judge in writing.
3. If a judge otherwise appoints Mr. Stokes to represent an indigent client on appeal during the time the above prohibition is in place, Mr. Stokes shall immediately bring this Order to the attention of the presiding judge and seek appointment of other counsel. If for any reason difficulties arise in this, Mr. Stokes shall file a written motion in the cause and bring it to the attention of the undersigned judge presiding or to the attention of the Senior Resident Judge.
4. T.O. Stokes is cautioned to scrupulously insure that he meets his professional responsibilities in all cases on appeal.
5. T.O. Stokes is censured for his violation of his ethical and professional duties as set forth herein.
6. The Court recommends that Mr. Stokes retain the services of an appropriate consultant to assist him in developing procedures for his law office which minimize the risk that cases will "slip through the cracks" and which maximize the possibility that necessary paperwork will be accomplished expeditiously.

7. The Clerk shall mail a copy of this Order to T.O. Stokes and to the State Bar of North Carolina, PO Box 25908, Raleigh, NC 27611, attention Carolin Bakewell. The Clerk shall further mail a certified copy of this Order to the North Carolina Court of Appeals and the North Carolina Supreme Court. The Clerk shall further distribute a copy of this Order to each courtroom clerk who presently works in Superior Criminal Court in this county and to Walter Jones and shall place a copy of this Order in the file in 99 CrS 109266.

This 2 day of March, 2001.



Superior Court Judge Presiding