

VIRGINIA:

BEFORE THE SECOND DISTRICT SUBCOMMITTEE, SECTION I
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
MARTIN BULLOCK

VSB Docket No. 21-021-118003

SUBCOMMITTEE DETERMINATION
(PUBLIC ADMONITION WITH TERMS)

Meetings were held in this matter before a duly convened Second District Subcommittee, Section I on August 25, 2021, October 29, 2021, and November 17, 2021 consisting of Kathryn Nell Byler, Chair, Anne Graham Bibeau, Member, and Lonnie Dixon Leatherbury Lay Member. During the November 17, 2021 meeting, the Subcommittee voted to approve an agreed disposition for a Public Admonition with Terms pursuant to Part 6, § IV, ¶ 13-15.B.4 of the Rules of the Supreme Court of Virginia. The agreed disposition was entered into by the Virginia State Bar, by Shelley L. Spalding, Assistant Bar Counsel, Martin Bullock (“Respondent”) and Mary Teresa Morgan, Esquire, counsel for Respondent.

WHEREFORE, the Second District Subcommittee, Section I of the Virginia State Bar hereby serves upon Respondent the following Public Admonition with Terms:

I. FINDINGS OF FACT

1. Respondent was licensed to practice law in the Commonwealth of Virginia in 1984. At all times relevant to the conduct set forth herein, Respondent was an attorney licensed to practice law in the Commonwealth of Virginia.
2. On December 27, 2017, S.M. of the Public Defender’s Office was appointed to represent C.L. (“Complainant”) in defense of multiple felony charges. Complainant was dissatisfied his representation and S.M. sought to withdraw. On August 7, 2018,

S.M.'s motion to withdraw was granted and Respondent was appointed by the Circuit Court to represent Complainant. On October 30, 2019, Complainant entered into a plea agreement. Pursuant to that plea agreement, Complainant completed a questionnaire regarding his intent to plead guilty. Question 15 asked: "Do you understand that, by pleading guilty, you may waive any right to appeal the decision of this Court?" to which, Complainant responded "Yes." Pursuant to the plea agreement, on October 30, 2019, Complainant was sentenced to a fifteen year and seven-month term of incarceration.

3. On November 4, 2019, Complainant filed a handwritten Motion to Withdraw Guilty Plea *pro se*. On November 8, 2019, Complainant filed an additional handwritten "Motion to Withdraw Guilty Plea" *pro se*.
4. On February 5, 2020, Respondent filed a Motion for Withdrawal of Plea Agreement and Motion for Suspension or Modification of Sentence on behalf of Complainant. The motion was denied on Feb. 7, 2020, without explanation. On February 12, 2020, Respondent sent Complainant a letter enclosing the court's order.
5. On April 15, 2020, Complainant wrote to Respondent asking if his appeal had been filed. He also asked the Respondent to file another motion for reconsideration. By letter dated May 13, 2020, Respondent wrote back to Complainant indicating that he was filing another Motion of Suspension or Modification of Sentence. Respondent also advised Complainant in this same letter that because Complainant had pled guilty, he waived his right to appeal.
6. The Supreme Court of Virginia has explained:

A voluntary and intelligent guilty plea is a 'waiver of all non-jurisdictional defects that occurred before entry of the plea. Although the range of

potential grounds for appeal following a guilty plea is limited in Virginia, a defendant who has pled guilty still retains the statutory right to file a notice of appeal and present a petition for appeal to the Court of Appeals of Virginia. Accordingly, the Court of Appeals erred in determining Trevathan's guilty pleas waived his 'right to appeal'.

See Trevathan v. Commonwealth, 831 S.E.2d (S.C.Va. 2019) (internal citations omitted).

7. Respondent filed a Motion of Suspension or Modification of Sentence on behalf of Complainant on May 18, 2020. This Motion was denied on May 27, 2020. By letter dated June 2, 2020, Respondent advised Complainant of this denial.

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.

III. PUBLIC ADMONITION WITH TERMS

Accordingly, it is the decision of the Subcommittee to impose a Public Admonition with Terms. The term shall be met by January 10, 2022, and is as follows:

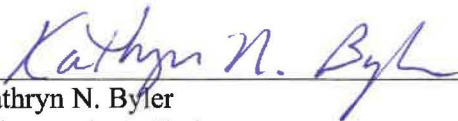
1. Respondent shall enroll and attend two (2) hours of continuing legal education (CLE) in the substantive area of criminal defense approved by the Virginia Indigent Defense Commission, which hours shall not be credited toward Respondent's compliance with his annual mandatory CLE requirement. Upon completion of this Term, Respondent shall so certify in writing to Shelley L. Spalding, the Assistant Bar Counsel assigned to this case.

If the term is not met by the time specified, pursuant to Part 6, § IV, ¶ 13-15.F of the Rules of the Supreme Court of Virginia the District Committee shall issue a Certification For Sanction Determination pursuant to Part 6, § IV, ¶ 13-15.G of the Rules of the Supreme Court of

Virginia. Any proceeding initiated due to failure to comply with terms will be considered a new matter and an administrative fee and costs will be assessed.

Pursuant to Part 6, § IV, ¶ 13-9.E of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

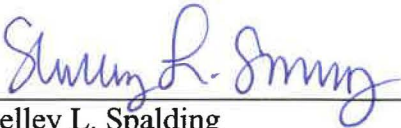
SECOND DISTRICT SUBCOMMITTEE,
SECTION I OF THE
VIRGINIA STATE BAR



Kathryn N. Byler
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on Dec. 15, 2021, a true and complete copy of the Subcommittee Determination (Public Admonition With Terms) was sent by certified mail to Martin Bullock, Respondent, at 6064 Indian River Rd Ste 204, Virginia Beach, VA 23464, Respondent's last address of record with the Virginia State Bar, and by first class mail, postage prepaid to Mary Teresa Morgan, counsel for Respondent, at Golightly Mulligan & Morgan, PLC, Suite 441, 1244 Perimeter Parkway, Virginia Beach, VA 23454.



Shelley L. Spalding
Assistant Bar Counsel