



VIRGINIA:

**BEFORE THE THIRD DISTRICT SUBCOMMITTEE, SECTION III
OF THE VIRGINIA STATE BAR**

**IN THE MATTER OF
KEVIN DARRYL PURNELL**

VS Docket No. 21-033-119413

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITH TERMS)

On March 16, 2021 a meeting was held in this matter before a duly convened Third District Subcommittee, Section III consisting of K. Matthew Long, Subcommittee Chair, Lynn Murphy Tucker, member, and Barbara S. Lanier, lay member. During the meeting, the Subcommittee voted to approve an agreed disposition for a Public Reprimand 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 Renu M. Brennan, Bar Counsel, and Kevin Darryl Purnell, Respondent, pro se.

WHEREFORE, the Third District Subcommittee, Section III of the Virginia State Bar hereby serves upon Respondent the following Public Reprimand with Terms:

I. FINDINGS OF FACT

1. At all times referenced herein Respondent was licensed to practice law in the Commonwealth of Virginia.
2. By judgment entered November 27, 2018, the Henrico Circuit Court sentenced Sean Rashaad Hill to 25 years, and an additional three years suspended, for second degree murder and appointed Respondent to represent Sean Rashaad Hill in his appeal. The Court of Appeals of Virginia (COA) dismissed Mr. Hill's appeal because Respondent failed to timely file the petition for appeal. By Order entered September 5, 2019, the COA granted leave to file a delayed appeal. By Order entered January 2, 2020, the Henrico Circuit Court appointed Respondent to represent Hill in the delayed appeal. This agreed disposition relates to Respondent's handling of the delayed appeal.

3. On January 31, 2020, Respondent timely filed a notice of appeal with the Henrico Circuit Court and the COA.
4. On April 6, 2020, Respondent filed a motion for extension of time to file the petition for appeal from April 6 to May 6, 2020.
5. By order entered April 9, 2020, the COA extended the deadline for Respondent to file the petition for appeal to May 3, 2020. The Order stated, “(t)he appellant should note that this Court is not authorized to grant more than a 30-day extension of time to file the petition for appeal from the original due date for filing such petition.”
6. Respondent failed to timely file the petition for appeal.
7. By Order entered June 10, 2020, the COA dismissed Mr. Hill’s delayed appeal based on Respondent’s failure to file the petition for appeal.
8. Respondent did not advise Mr. Hill of the dismissal of the delayed appeal.
9. By letter dated July 31, 2020, the VSB asked Respondent to address the procedural default.
10. On August 20, 2020, Respondent filed a second motion for delayed appeal. Respondent, however, did not confirm that Mr. Hill concurred with the filing as required by statute.
11. By letter dated August 21, 2020, Respondent acknowledged that he failed to timely file the Petition for Appeal and to provide Mr. Hill a timely update regarding the dismissal of the delayed appeal. Respondent further advised the bar that he filed the second motion for delayed appeal on August 20 and that he advised Mr. Hill of the status of the appeal and of his appellate rights and that he provided “copies of all matters” to Mr. Hill.
12. By letter dated October 1, 2020, Respondent advised the COA that Mr. Hill concurred with the filing of the motion for delayed appeal filed August 20, 2020.
13. By order entered October 6, 2020, the COA granted the motion to file a delayed appeal.

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.

RULE 1.4 Communication

(a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

III. PUBLIC REPRIMAND WITH TERMS

Accordingly, having approved the agreed disposition, it is the decision of the Subcommittee to impose a Public Reprimand with Terms. The term is:

1. That Respondent shall watch Perfecting and Preserving Criminal Appeals to the Court of Appeals of Virginia and the Supreme Court of Virginia (online seminar: <https://www.vacle.org/product.aspx?zpid=6717&zskuid=26592>) on or before April 30, 2021. Respondent shall not apply the 2.0 credits toward Respondent's Mandatory Continuing Legal Education Requirement in Virginia or in any other jurisdiction in which Respondent is licensed to practice law. Respondent shall certify his compliance with the terms set forth in this paragraph by delivering a fully and properly executed Virginia MCLE Board Certification of Attendance Form to Bar Counsel Renu M. Brennan, or her designee, promptly following Respondent's attendance of each such CLE program no later than May 31, 2021.

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 hold a hearing and Respondent shall be required to show cause why a Certification to the Virginia State Bar Disciplinary Board should not be imposed. 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.

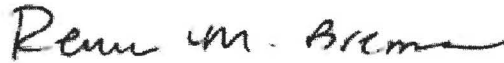
THIRD DISTRICT SUBCOMMITTEE,
SECTION III OF THE VIRGINIA STATE BAR

A handwritten signature in black ink, appearing to read 'K. Long', is written over a horizontal line.

K. Matthew Long
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on March 29, 2021, a true and complete copy of the Subcommittee Determination (Public Reprimand With Terms) was sent by certified mail to Kevin Darryl Purnell, Respondent, at Kevin D. Purnell, PLLC, 106 N Thompson St 1st Fl, Richmond, VA 23221, Respondent's last address of record with the Virginia State Bar, and via email at kp1esq@gmail.com



Renu M. Brennan
Bar Counsel