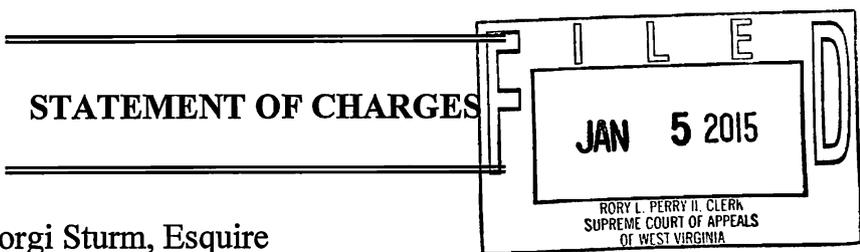


**BEFORE THE LAWYER DISCIPLINARY BOARD
STATE OF WEST VIRGINIA**

In Re: HEIDI M. GEORGI STURM, a member of
The West Virginia State Bar

Bar No.: 9371
I.D. No.: 14-05-346



To: Heidi M. Georgi Sturm, Esquire
301 Adams Street, Suite 803
Fairmont, West Virginia 26554

YOU ARE HEREBY notified that a Hearing Panel Subcommittee of the Lawyer Disciplinary Board will hold a hearing pursuant to Rules 3.3 through 3.16 of the Rules of Disciplinary Procedure, upon the following charges against you:

1. Heidi M. Georgi Sturm (hereinafter "Respondent") is a lawyer practicing in Fairmont, which is located in Marion County, West Virginia. Respondent, having passed the bar exam, was admitted to The West Virginia State Bar on October 9, 2003. As such, Respondent is subject to the disciplinary jurisdiction of the Supreme Court of Appeals of West Virginia and its properly constituted Lawyer Disciplinary Board.

**COUNT I
I.D. No. 14-05-346
Complaint of Kenneth L. Greynolds**

2. Complainant Kenneth L. Greynolds accepted a plea offer and pled guilty to three (3) felonies on or about December 12, 2012. He subsequently decided to appeal the

matter, and Respondent was court appointed to represent Mr. Greynolds on his appeal by Order entered on January 15, 2013. Respondent was ordered to contact Mr. Greynolds forthwith.

3. Respondent failed to take any action on Mr. Greynolds' behalf, and he wrote to the judge on two occasions. The first, in or around June of 2013, stated that he had attempted to contact Respondent on several occasions without success. The second, in or around June of 2014, asked for new counsel to be appointed.
4. By letter dated June 10, 2014, Judge Aloï responded to Mr. Greynolds, stating that the time frame to file an appeal had passed and he would not appoint new counsel to represent Mr. Greynolds.
5. On or about June 25, 2014, Mr. Greynolds filed an ethics complaint alleging that Respondent had violated his "post conviction rights" by (1) failing to file for suspension of the execution of his sentence and thereby preventing his release on probation; (2) failing to file for correction or reduction of his sentence; (3) failing to file a notice of appeal with the Supreme Court of Appeals of West Virginia; and (4) failing to file a petition for writ of error. He also alleged that Respondent had failed to file a motion to suppress video evidence prior to the trial, and that in January of 2013 she withheld his legal correspondence which would have reduced the amount of time he received.

6. By letter dated June 30, 2014, Disciplinary Counsel wrote to Respondent asking for a response to the complaint.
7. Respondent failed to file a response.
8. By letter dated July 29, 2014, sent via certified and regular mail, Disciplinary Counsel again requested a response to the complaint by August 8, 2014.
9. On August 7, 2014, the Office of Disciplinary Counsel received Respondent's response, which was dated August 1, 2014.
10. In her response, Respondent stated that Mr. Greynolds had a significant criminal history, and was advised by the prosecutor that the State would file a recidivism action if he did not accept a plea offer. Respondent stated that she had filed a motion to suppress the video evidence¹, which was to be ruled upon when the trial commenced. Respondent stated that she was ready to proceed to trial on December 12, 2012, and that same morning, Mr. Greynolds decided to accept the plea offer. Respondent said that following the plea and sentencing hearing she provided a copy of the order to Mr. Greynolds, but it was returned to sender. She then forwarded the mail to him at Huttonsville Correctional Center. Respondent said she also advised Mr. Greynolds that she would not be able to appeal his conviction because there was no issue relating to the jurisdiction, the sentence, or the voluntariness of entry of the plea.

¹ A check of the Marion County Circuit Court Clerk's file shows that "Defendant's Motion In Limine" was filed with the Court on or about December 5, 2012.

11. Respondent stated that because she had to certify the appeal by signing a statement that she had “performed a review of the case that is reasonable under the circumstances and I have a good faith belief that an appeal is warranted”, she advised Mr. Greynolds that she could not file an appeal on his behalf.
12. Respondent provided a copy of a letter dated 17 January, 2013, wherein she stated, “I have reviewed the case file and the plea and sentencing order. There are no grounds for you to appeal this order. There is no question as to jurisdiction, the sentence or whether you wished to enter the plea. Therefore, there are no legitimate grounds upon which to appeal.”
13. By letter dated October 15, 2014, Mr. Greynolds stated that he never received a copy of Respondent’s January 17, 2013 letter.
14. Because Respondent failed to file an appeal on Mr. Greynolds behalf, after being appointed by the Court to do so, Respondent violated Rule 1.3 of the Rules of Professional Conduct, which provides as follows:

Rule 1.3. Diligence.

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

15. Because Respondent failed to respond to Mr. Greynolds’ requests concerning the status of his appeal, Respondent violated Rule 1.4(a) of the Rules of Professional Conduct, which provides as follows:

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.

16. Because Respondent failed to file Mr. Greynolds' appeal, causing him to lose his right to do so, Respondent violated Rule 8.4(d) of the Rules of Professional Conduct, which provides as follows:

Rule 8.4. Misconduct.

It is professional misconduct for a lawyer to:

* * *

(d) Engage in conduct that is prejudicial to the administration of justice.

AGGRAVATING FACTORS

17. Respondent has been admonished on one (1) occasion for a violation of Rule 1.3 of the Rules of Professional Conduct and on one (1) occasion for a violation of Rule 8.4(d) of the Rules of Professional Conduct.

* * *

Pursuant to Rule 2.9(d) of the Rules of Lawyer Disciplinary Procedure, the Investigative Panel has found that probable cause exists to formally charge you with a violation of the Rules of Professional Conduct and has issued this Statement of Charges. As provided by Rules 2.10 through 2.13 of the Rules of Lawyer Disciplinary Procedure, you have the right to file a verified written response to the foregoing charges within 30 days of service of this Statement of Charges by the Supreme Court of Appeals of West Virginia.

Failure to file a response shall be deemed an admission of the factual allegations contained herein.

STATEMENT OF CHARGES ORDERED on the 11th day of December, 2014, and
ISSUED this 11th day of December, 2014.



Robby J. Aliff, Chairperson
Investigative Panel
Lawyer Disciplinary Board