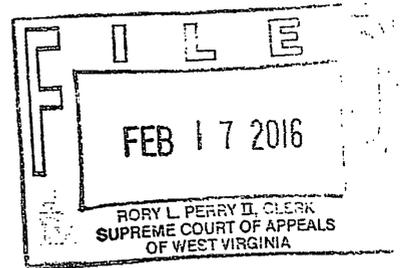


**IN THE SUPREME COURT OF APPEALS
STATE OF WEST VIRGINIA**



OFFICE OF DISCIPLINARY COUNSEL,

Petitioner,

vs.

No. 16- 0156

**KEVIN C. DUFFY, a member
of the West Virginia State Bar,**

Respondent.

**PETITION SEEKING SUSPENSION
OF ATTORNEY PURSUANT TO THE
RULES OF LAWYER DISCIPLINARY PROCEDURE**

Renée N. Frymyer [Bar No. 9253]
Lawyer Disciplinary Counsel
Office of Disciplinary Counsel
City Center East, Suite 1200C
4700 MacCorkle Avenue, S.E.
Charleston, West Virginia 25304
rfrymyer@wvodc.org
(304) 558-7999
(304) 558-4015 – facsimile

NOW COMES the Office of Disciplinary Counsel by Renée N. Frymyer, Lawyer Disciplinary Counsel, and reports to this Court, pursuant to Rule 3.27(a) and (b)¹ of the West Virginia Rules of Lawyer Disciplinary Procedure, that lawyer Kevin C. Duffy, Esquire (hereinafter “Respondent”), has committed a substantial violation of the Rules of Professional Conduct and/or is under a disability and poses a substantial threat of irreparable harm to the public which prevents him from competently practicing law and protecting his clients’ interests. The Office of Disciplinary Counsel requests that this Court immediately suspend Respondent’s law license indefinitely until Respondent’s disciplinary proceedings are complete. The Office of Disciplinary Counsel also requests that a trustee be appointed to protect the interests of Respondent’s clients, pursuant to Rule 3.29 of the Rules of Lawyer Disciplinary Procedure, as amended October 14, 2015. In support of this petition, the Office of Disciplinary Counsel states as follows:

1. Respondent was admitted to the West Virginia State Bar on November 20, 1996, and is therefore subject to the lawyer disciplinary jurisdiction of the Supreme Court of Appeals of West Virginia and the Lawyer Disciplinary Board. Upon information and belief, Respondent practices in and around Clay, Clay County, West Virginia.

¹ **Rule 3.27 (a).** Upon receipt of sufficient evidence demonstrating that a lawyer (1) has committed a violation of the Rules of Professional Conduct or is under a disability and (2) poses a substantial threat of irreparable harm to the public, the Office of Disciplinary Counsel shall conduct an immediate investigation.

Rule 3.27 (b). Upon completion of such investigation, the Office of Disciplinary Counsel shall promptly file a report with the Supreme Court of Appeals indicating whether, in the opinion of Disciplinary Counsel, the lawyer’s commission of a violation of the Rules of Professional Conduct or disability poses a substantial threat of irreparable harm to the public.

2. On or about February 8, 2016, charges of the misdemeanor offenses of theft and operating vehicle under the influence of alcohol or drugs were filed against Respondent in the Rocky River Municipal Court of Cuyahoga County, Ohio. [Exhibit A]
3. An Investigative Report prepared by the Westlake, Ohio, Police Department, obtained by the Office of Disciplinary Counsel on or about February 12, 2016, set forth that on February 5, 2016, the Westlake Police Department received a call from an employee of a local Speedway store who reported that an intoxicated male customer attempted to purchase beer, but was refused by the employee. The male reportedly took the beer and other merchandise, exited the store without paying for anything, and drove away. The suspect vehicle was registered to Respondent and officers were able to initiate a traffic stop soon thereafter with the suspect vehicle. The driver was later identified as Respondent and appeared to be highly intoxicated. The report also set forth that, based on Respondent's extreme state of intoxication and the potential that he may have ingested some substance other than alcohol to place him in such a dissociative state, Respondent was transported to St. John Medical Center, and released on his own recognizance at the hospital in order to receive medical treatment. [Exhibit B]
4. The citation Respondent was issued for operating a vehicle under the influence of alcohol included a summons to appear at the Rocky River Municipal Court on February 9, 2016, at 1:00 P.M. [Exhibit A]

5. Respondent failed to appear as required by the aforementioned summons. As a result, a Capias with Bond Ordered was issued commanding any police official or sheriff to take Respondent forthwith to answer to the charges against him. [Exhibit C]
6. In addition, by Order issued by the Rocky River Municipal Court, Respondent's right to drive was suspended on or about February 9, 2016, due to a finding that Respondent's continued driving is a risk to public safety.² [Exhibit D]
7. Respondent was also issued a citation on or about December 8, 2015, for failing to stop a vehicle at the scene of an accident and failing to stop within the assured clear distance ahead. Those charges are currently pending, with a pre-trial hearing scheduled to take place at the Rocky River Municipal Court in Rocky River, Ohio, on February 23, 2016. [Exhibit E]
8. By letter dated February 17, 2016, the Honorable Judge Jack Alsop, Circuit Court Judge for the Fourteenth Judicial Circuit, advised the Office of Disciplinary Counsel that Respondent was counsel of record for defendants in two separate felony criminal matters but had failed to appear for previously scheduled hearings on behalf of his clients in late January, 2016. Judge Alsop stated that he had been advised by Respondent first that he was unavailable due to illness and later that he was unable to appear for hearings set for early February, 2016, due to a broken down vehicle. Judge Alsop subsequently relieved Respondent as counsel in those matters and appointed new counsel. [Exhibit F]

² Upon information and belief, Respondent's automobile was towed and impounded by the Westlake Police on or about February 5, 2016.

9. Upon information and belief, the Kevin C. Duffy discussed herein, and Kevin C. Duffy, Esquire, West Virginia State Bar No. 7276, are the same person.
10. As of the date of the filing of this Petition, Respondent's whereabouts are unknown, but he is presumed to be in the State of Ohio.
11. Upon information and belief, Respondent is a solo practitioner and there is no responsible attorney for his existing cases.
12. Respondent's clients are in critical need of protection at this time and there is a danger of irreparable harm if their interests are not protected.
13. Respondent currently has four (4) formal complaints pending at the Office of Disciplinary Counsel.
14. Because Respondent has committed the criminal acts of theft and operating a vehicle under the influence of alcohol and/or drugs, failed to appear as directed by a court summons resulting in a Capias being issued for his arrest, failed to appear before the Circuit Court of Clay County, West Virginia, as described above, and made false representations to the Circuit Court, he has violated Rule 8.4(b), Rule 8.4(c) and Rule 8.4(d) of the Rules of Professional Conduct which state in pertinent part:

Rul 8.4. Misconduct.

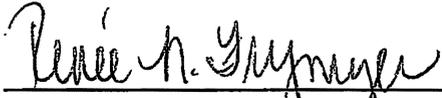
It is professional misconduct for a lawyer to:

- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- (c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- (d) Engage in conduct that is prejudicial to the administration of justice.

15. “[T]he primary purpose of the ethics committee [Office of Lawyer Disciplinary Counsel] is not punishment but rather the protection of the public and the reassurance of the public as to the reliability and integrity of attorneys.” Office of Lawyer Disciplinary Counsel v. Albers, 214 W.Va. 11, 13, 585 S.E.2d 11, 13 (2003) *citing* Committee on Legal Ethics of West Virginia State Bar v. Ikner, 190 W.Va. 433, 436, 438 S.E.2d 613, 616 (1993) (internal citations omitted).
16. Because of the “enormous amount of trust that the public places in its lawyers, this Court must insure that the public’s interests are protected and that the integrity of the legal profession is maintained.” *See* Office of Lawyer Disciplinary Counsel v. Albers, 214 W.Va. at 13, 585 S.E.2d at 13.
17. There is sufficient evidence to establish that Respondent has committed violations of the West Virginia Rules of Professional Conduct and poses a substantial threat of irreparable harm to the public.

WHEREFORE, the Office of Disciplinary Counsel requests that this Court immediately suspend Respondent’s license to practice law pursuant to Rule 3.27 of the Rules of Lawyer Disciplinary Procedure due to Respondent’s violations of the Rules of Professional Conduct and the substantial threat of irreparable harm to the public; appoint, or pursuant to Rule 3.29 of the Rules of Lawyer Disciplinary Procedure authorize the Chief Judge of Clay County Circuit Court to appoint, another lawyer to serve as trustee to protect the interests of Respondent’s clients; and assess Respondent the costs of this proceeding, including, but not limited to, the costs of the appointed trustee.

Respectfully submitted,
Office of Disciplinary Counsel, by



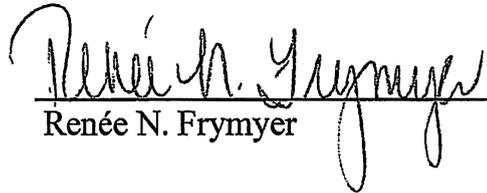
Renée N. Frymyer [Bar No. 9253]
Lawyer Disciplinary Counsel
City Center East, Suite 1200C
4700 MacCorkle Avenue S.E.
Charleston, West Virginia 25304
(304) 558-7999
(304) 558-4015 *facsimile*

CERTIFICATE OF SERVICE

This is to certify that I, Renée N. Frymyer, Lawyer Disciplinary Counsel for the Office of Disciplinary Counsel, have this day, the 17th day of February, 2016, served a true copy of the foregoing **“PETITION SEEKING SUSPENSION OF ATTORNEY PURSUANT TO THE RULES OF LAWYER DISCIPLINARY PROCEDURE”** upon Respondent Kevin C. Duffy, Esquire, by mailing the same via United States Mail, with sufficient postage, to the following addresses:

Kevin C. Duffy
Post Office Box 186
Clay, West Virginia 25043

Kevin C. Duffy
28276 Center Ridge Road
Westlake, Ohio 44145



Renée N. Frymyer

Exhibit A

ROCKY RIVER MUNICIPAL COURT, CUYAHOGA COUNTY, OHIO
 CUYAHOGA COUNTY JUVENILE COURT
 STATE OF OHIO
 CITY OF WESTLAKE

TICKET # **W212350**

NAME KEVIN C. DUFFY
 STREET 28276 Center Ridge Rd
 CITY, STATE Westlake OH ZIP 44145

OPERATOR LICENSE / STATE ID#	<input type="checkbox"/> Non-2	BIRTH DATE	ISSUE DATE	STATE
<u>JM 530467</u>		<u>10/25/18</u>	<u>07/30/15</u>	<u>OH</u>
CLASS	EXPIRES	ENDORSEMENT(S)/RESTRICTION(S)		SS# (last 4 digits)
<u>D</u>	<u>10/25/18</u>	<input type="checkbox"/> CDL <input type="checkbox"/> MC <input type="checkbox"/> Other		<u>8563</u>
SEX	HEIGHT	WEIGHT	EYES	HAIR
<u>M</u>	<u>6'3"</u>	<u>190</u>	<u>BRO</u>	<u>BRO</u>
FINANCIAL RESPONSIBILITY PROOF? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A				

If no OL/State ID; REQUIRED documentation attached: Yes

TO DEFENDANT: COMPLAINT ON 2/5 2016 AT 1637 AM PH/YOU

Operated/Passenger/Parked/Walked a Passenger Motorcycle Bicycle Other

Commercial DOTY ≥26,001 lbs. <16 Pass. Bus ≥16 Pass. Bus Haz. Mat.

VEHICLE: YEAR 97 MAKE Dodge MODEL PK Ram

COLOR Black LICENSE # 6QA9213 STATE OH

UPON A PUBLIC HIGHWAY, NAMELY Center Ridge Rd (M.P.)

IN THE CITY OF WESTLAKE, IN CUYAHOGA COUNTY (NO. 18) AND STATE OF OHIO, AND COMMITTED THE FOLLOWING OFFENSE:

<input type="checkbox"/> SPEED: _____ MPH in _____ MPH zone	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/> Over limits <input type="checkbox"/> Unsafe for conditions <input type="checkbox"/> ACDA	
<input type="checkbox"/> Radar <input type="checkbox"/> Air <input type="checkbox"/> VASCAR <input type="checkbox"/> Pace <input type="checkbox"/> Laser <input type="checkbox"/> Stationary <input type="checkbox"/> Moving	
<input checked="" type="checkbox"/> OVI: <input checked="" type="checkbox"/> Under the influence of alcohol/drug of abuse.	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/> Prohibited blood alcohol concentration.	<u>4511019A</u>
<input type="checkbox"/> Blood <input type="checkbox"/> Breath <input type="checkbox"/> Urine <input checked="" type="checkbox"/> Refused	
Prior OVIs: # of prior OVIs: <u>1</u> Years of prior OVIs: <u>1989</u>	
<input type="checkbox"/> DRIVER LICENSE: <input type="checkbox"/> None <input type="checkbox"/> Not on person <input type="checkbox"/> Revoked <input type="checkbox"/> Suspended	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
EXPIRED: <input type="checkbox"/> <6 months <input type="checkbox"/> >6 months <input type="checkbox"/> Failure to Reinstatement	
Suspension Type: _____	
<input type="checkbox"/> SAFETY BELT: Failure to wear	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/> Driver <input type="checkbox"/> Passenger <input type="checkbox"/> Child's Restraint <input type="checkbox"/> Booster Seat	
<input checked="" type="checkbox"/> OTHER OFFENSE: _____	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/> OTHER OFFENSE: _____	<input type="checkbox"/> ORC <input type="checkbox"/> ORD <input type="checkbox"/> T.P.
<input type="checkbox"/> DRIVER LICENSE HELD <input type="checkbox"/> VEHICLE OPERATED <input type="checkbox"/> JUVENILE OFFENSE	
PAVEMENT: <input checked="" type="checkbox"/> Dry <input type="checkbox"/> Wet <input type="checkbox"/> Snow <input type="checkbox"/> Ice	
VISIBILITY: <input checked="" type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Dust <input type="checkbox"/> Night <input type="checkbox"/> Dawn	
WEATHER: <input type="checkbox"/> Rain <input type="checkbox"/> Snow <input type="checkbox"/> Fog <input checked="" type="checkbox"/> No Adverse	
TRAFFIC: <input checked="" type="checkbox"/> Heavy <input type="checkbox"/> Moderate <input type="checkbox"/> Light <input type="checkbox"/> None	
AREA: <input checked="" type="checkbox"/> Business <input type="checkbox"/> Rural <input type="checkbox"/> Residential <input type="checkbox"/> Industry <input type="checkbox"/> School	
CRASH: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Almost Caused <input type="checkbox"/> Non-Injury <input type="checkbox"/> Injury <input type="checkbox"/> Fatal	
Crash Report Number: _____	
REMARKS: _____	
ACCOMPANYING CRIMINAL CHARGE <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No TOTAL # OFFENSES _____	

TO DEFENDANT: SUMMONS PERSONAL APPEARANCE REQUIRED Yes No

You are summoned and ordered to appear on 2/9 2016 at 1300 AM PH/at

ROCKY RIVER MUNICIPAL COURT, 21012 HILLIARD BOULEVARD, ROCKY RIVER, OHIO 44116
 CUYAHOGA COUNTY JUVENILE COURT, 8800 QUINCY AVE., CLEVELAND, OHIO 44106

If you fail to appear at this time and place you may be arrested or your license may be cancelled.
 This summons served personally on the defendant on 2/10 2016
 The issuing/charging law enforcement officer states under the penalties of perjury and falsification that he/she has read the above complaint and that it is true.

[Signature]
 Charging Law Enforcement Officer

[Signature]
 Issuing Law Enforcement Officer

SAME AS ABOVE

Issuing Officers: Verify address. If different from license address, write present address in space provided.

Court Case	Unit	Post	District
<u>1830</u>	<u>B</u>		<u>SR</u>

PRESENT ADDRESS

SIGNATURE X

CD RES.

PHONE 304 657 2750

W 212350

THE ROCKY RIVER MUNICIPAL COURT

COMPLAINT

State of Ohio (Westlake)

VERSUS

KEVIN C. DUFFY(male)(10-25-65)
28276 CENTER RIDGE RD.
WESTLAKE, OH. 44145

THEFT-2913.02A1 M-1

FILED
Rocky River Municipal Court
FEB 08 2016
DEBORAH E. COMERY
CLERK OF COURT

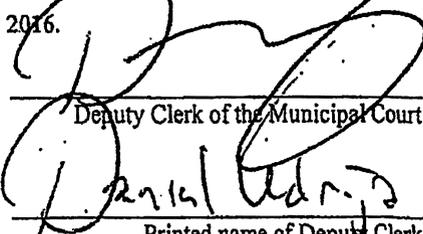
THE STATE OF OHIO
CUYAHOGA COUNTY, ss}
CITY OF WESTLAKE OHIO

Before me, the below named Deputy Clerk of the Rocky River Municipal Court, personally appeared JOY HINES, who being duly sworn according to law, deposes and says, that on or about 2-5-16, in the City of Westlake, in said County and State, KEVIN C. DUFFY, did, with purpose to deprive the owner, Speedway, of property, knowingly obtain or exert control over property valued at \$14.92 without the consent of the owner or person authorized to give consent. At approximately 1637hrs., WPD received a call from an employee of Speedway at 2726 Dover Center Rd., who reported that an intoxicated male customer attempted to purchase beer, but the sale was refused by the employee. The male reportedly then took the beer and other merchandise and exited the store without paying for anything. The store supervisor, Joy Hines was advised of the incident, followed the male into the parking lot and confronted him as he was getting into his vehicle. Hines reportedly advised the male that he had not paid for the merchandise, and he proceeded to drive away in his vehicle, which was described as a black truck bearing OH.reg.GQA9243. WPD officers responded to Speedway and located the suspect vehicle on Dover Center Rd., in front of Speedway. A traffic stop was initiated and the driver was identified as Duffy. Duffy appeared to be highly intoxicated and would not respond to any questioning. He was placed under arrest for O.V.I. and was transported to WPD, but was subsequently transported by ambulance to St Johns Medical Center. The suspect vehicle was impounded and the stolen merchandise from Speedway was located on the front seat of the vehicle. This information was obtained through investigation and witness accounts. This is a violation of Section 2913.02A1 of the Ohio Revised Code and is a Misdemeanor of the first degree.

(Affiant)



Sworn to and subscribed before me, this 5th day of February, 2016.



Deputy Clerk of the Municipal Court

Printed name of Deputy Clerk

Exhibit B

WESTLAKE

Incident Number

Investigative Report

Title / Subject: THEFT/OVI

16-03336

On 2-5-16 at approximately 1637hrs., WPD received a call from an employee of Speedway on Dover Center Rd., who reported that an intoxicated male customer attempted to purchase beer, but was refused by the employee. The male reportedly took the beer and other merchandise and exited the store without paying for anything. He drove away in a vehicle that was described as a black truck bearing OH.reg.GQA9243. Sgt. J. Leonard, Ptl. D. Kenney and I responded to the area to investigate the report.

According to LEADS/REDSS, the suspect vehicle was registered to Kevin Duffy at 28276 Center Ridge Rd. in Westlake. Ptl. Kenney was the first to arrive at Speedway and observed the suspect vehicle stopped in traffic, northbound on Dover Center Rd. at Center Ridge Rd., in front of Speedway. As I arrived in the area, I observed the suspect vehicle stopped in the left turn lane and traffic was proceeding around it to turn westbound on Center Ridge Rd. Ptl. Kenney drove around the front of the suspect vehicle to initiate a traffic stop and block it from moving forward. I parked behind the suspect vehicle and approached the driver with Ptl. Kenney. The driver was later identified as Duffy and appeared to be highly intoxicated. Ptl. Kenney removed the ignition keys from the vehicle and began questioning Duffy, but he did not respond to questions or instructions to exit the vehicle. His movements were lathargic and he had a blank stare. There was a strong odor of an alcoholic beverage about Duffy and his eyes were heavy looking.

Ptl. Kenney ordered Duffy to exit his vehicle several times with no response, however, Duffy offered no resistance when Ptl. Kenney removed him from the vehicle. Duffy was placed under arrest for O.V.I. and Theft and was secured into Unit #7713 by Ptl. Kenney. He was then transported to WPD.

Sgt. Leonard arrived at the scene and attempted to move Duffy's vehicle out of the roadway, however, the vehicle's engine would not start. I used unit #7707 to push the vehicle into a nearby parking lot. The vehicle was impounded and its contents were inventoried. I observed two Speedway plastic bags of merchandise and one 12-pack of Natural Light beer cans on the front seat of the vehicle. These items were suspected to have been stolen from Speedway and were seized. One bag contained a burrito, lip balm, and a package of toilet paper rolls. Sgt. Leonard took the items to Speedway and verified that they were stolen, along with the beer. The other bag of items was not confirmed to have been stolen and was returned to Duffy's vehicle. The total value of the stolen items was \$14.92 and were turned over to Speedway employees.

Sgt. Leonard interviewed the employee who refused the beer sale to Duffy, who was identified as Alicia Kent, and the shift manager, who was identified as Joy Hines. Both completed written statements detailing their account of the incident. Duffy reportedly brought the stolen items to the register, at which point Kent detected the odor of alcoholic beverage and refused the sale. As Kent went to notify Hines of the incident, Duffy reportedly took the items and walked out of the store without paying for them. Hines reportedly followed Duffy to the parking lot and confronted him as he was getting into his vehicle. She advised Duffy that he had not paid for the items, at which point, he closed the door to his vehicle and drove away. Hines obtained the license plate number of Duffy's vehicle as it was leaving. Hines agreed to sign a criminal complaint against Duffy for theft.

No other contraband was found in the suspect vehicle, which was towed to Pattons Towing. I completed criminal complaints against Duffy for Theft, which were later signed by Hines.

By: Ptlm. JARROD SIRL

Badge# 039

Date: 02/05/2016 Time: 19:40:0 No. 001 Page #: 6

Reviewing Supervisor: _____

Date: _____

WESTLAKE



Incident Number

Investigative Report

Title / Subject: THEFT/OVI

16-03336

Continuing from Ptl. Sirl's invest, after it was readily apparent Duffy was appreciably impaired, he was taken into custody for the OVI and Theft offenses and transported to Westlake Police Department jail in marked unit 7713, AV system in use. Westlake Fire Department paramedics were called to the Westlake Police department jail for a medical evaluation of Duffy prior to booking. I requested this based on Duffy's extreme state of intoxication and the potential that he may have ingested some substance other than alcohol to place him in such a dissociative state. Duffy was unable or unwilling to interact with Ptl. Sirl or I in any way, and though he did not resist in any way, he seemed unable to move himself on our lawful commands or even when assisted.

Once on station and in the Westlake Police Department Jail, Duffy could not interact or speak with Lt. Agoston or the Fire Department Medics when he was asked simple questions such as his name, his health condition or what he had been doing prior to his interaction with Westlake Police Department personnel. Based on Duffy's extreme state of intoxication, the odor of an alcoholic beverage coming from his breath and person, his inability to speak or move on his own, his developing need for medical attention and the totality of the circumstances, Duffy was transported to St. John Medical Center hospital By Westlake Medic 73 for medical evaluation. Once on scene at the hospital, Duffy was read the BMV2255 with Sgt. Leonard as witness. Duffy refused any test by verbally saying "no". He was placed under an administrative license suspension LID/07619901 and served with his copies of the BMV2255, citation for OVI, assigned a court date of Tuesday 2/09/2016 at 1300hrs. Duffy was released on his own recognizance at the hospital in order to receive medical treatment.

By: PTLM DAVID W KENNEY

Badge# 068

Date: 02/05/2016 Time: 20:38:0 No. 002 Page #: 1

Reviewing Supervisor: _____

Date: _____

Exhibit C



DEBORAH F. COMERY, CLERK OF COURT
ROCKY RIVER MUNICIPAL COURT
21012 Hilliard Blvd
Rocky River, OH 44116-3398

www.rrcourt.net
Phone: (440) 333-0066
Fax: (440) 356-5613

February 11, 2016

Kevin C Duffy
28276 CENTER RIDGE RD
Westlake, OH 44145

THE STATE OF OHIO
Cuyahoga County
Westlake, City of
VS
Kevin C Duffy

CAPIAS W/BOND ORDERED
in the Amount of \$5000 /10%
A State Fee of \$25 is due at the time
a bail/bond is posted.

CASE NO. 16 TRC 00742

DLF/WB DATE:
March 12, 2016

SSN: xxx-xx-8563
DOB: 10/25/1965
DL#: UM530467
Ticket: W212350
Officer: G Urbanski
Complainant:

TO ANY POLICE OFFICIAL OR SHERIFF - GREETINGS:

We command you to take the defendant, if he/she be found within your bailiwick. Safely keep him/her so that you have the said defendant before the Honorable Administrative, Judge in the Rocky River Municipal Court now being held at 21012 Hilliard Blvd., Rocky River, Ohio, within and for said County, forthwith to answer to the charge(s) against him/her being:

4511.19A1a OVI M1	
-------------------	--

NO SHOW ARRAIGNMENT

Herein fail not, but of this writ and your service make due return. Given under my hand and seal this February 11, 2016.

ROCKY RIVER MUNICIPAL COURT

S Fencl, Deputy Clerk

RETURN OF BODY ATTACHMENT (CAPIAS)

STATE OF OHIO
Cuyahoga County
Rocky River Municipal Court
Case No. 16 TRC 00742
Service and Return _____
Arrest _____
Mileage _____
Total _____
(This blank is to be filled out by the Jailer)
Sentence expires (date) _____
Received this writ (date) _____

) Pursuant to the command hereof, I did, on the
) _____ day of _____,
) arrest the within named defendant and now have
) him/her in my custody for safekeeping.
) _____
) Arresting Officer
) CERTIFICATE (To be signed only on the copy left
) at) the jail):
) I certify that the within is a true copy of the original writ.
) _____
) Jailer

This case may have been sent to a collection agency.
If so, an additional 30% collection agency fee has been assessed.

Exhibit D

ROCKY RIVER MUNICIPAL COURT
CUYAHOGA COUNTY, OHIO

State of Ohio
City of Wk

Case No. 16 TRC 742

Vs.

Kevin Duffy
Defendant

Date 2-9-16

Pursuant to ORC § 4511.196 the Defendant's right to drive is suspended as the Court finds that Defendant's continued driving is a risk to public safety.

K. S.
JUDGE/MAGISTRATE

Cc: BMV, Defendant

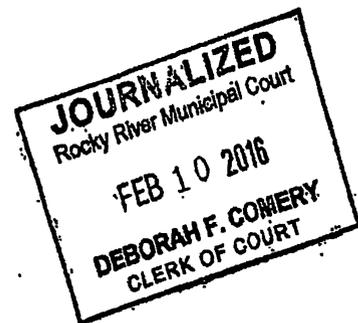


Exhibit E

ROCKY RIVER MUNICIPAL COURT, CUYAHOGA COUNTY, OHIO
 CUYAHOGA COUNTY JUVENILE COURT
 STATE OF OHIO
 CITY OF WESTLAKE

TICKET # **W211531**

NAME **KEVIN C. DUFFY**
 STREET **23274 CENTER RIDGE RD**
 CITY, STATE **WESTLAKE OH** ZIP **44145**

OPERATOR LICENSE/STATE ID# <input type="checkbox"/> None*		BIRTH DATE	ISSUE DATE	STATE
UM530467		102565	053015	OH
CLASS	EXPIRES	ENDORSEMENT(S)/RESTRICTION(S)		SEX (1/2/3/4 digit)
D	102518	DDOL OMC Other		B 5 6 3
SEX	HEIGHT	WEIGHT	EYES	HAIR
M	603	190	BLU	BRN
RADE	FINANCIAL RESPONSIBILITY PROOF			
W	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>			

No Yes
 TO DEFENDANT: COMPLAINT ON **12-8** 20**15** AT **1741** AND YOU
 Passenger Motorcycle Bicycle Other
 Commercial DOT# >26,000 lbs. <16 Pass. Bus >16 Pass. BUS Haz. Mat.
 VEHICLE: YEAR **2000** MAKE **CAD** MODEL **DEVILLE**
 COLOR **BLU** LICENSE # **9WR686** STATE **WV**
 UPON A PUBLIC HIGHWAY, NAMELY **CENTER RIDGE RD**
 AT/NEAR **CENTER RIDGE RD** (I.M.R.)

IN THE CITY OF WESTLAKE, IN CUYAHOGA COUNTY (NO. 18) AND STATE OF OHIO, AND COMMITTED THE FOLLOWING OFFENSES:

<input type="checkbox"/> SPEED: _____ MPH	<input type="checkbox"/> MPH zone	<input type="checkbox"/> ORC	<input type="checkbox"/> ORD	<input type="checkbox"/> T.A.
<input type="checkbox"/> Over limits	<input type="checkbox"/> Unsafe for conditions	<input type="checkbox"/> RCDA		
<input type="checkbox"/> Radar	<input type="checkbox"/> Air	<input type="checkbox"/> VASCA	<input type="checkbox"/> Pace	<input type="checkbox"/> Laser
<input type="checkbox"/> Stationary	<input type="checkbox"/> Moving			
<input type="checkbox"/> DVIs: <input type="checkbox"/> Under the influence of alcohol/drugs	<input type="checkbox"/> BAC	<input type="checkbox"/> ORC	<input type="checkbox"/> ORD	<input type="checkbox"/> T.A.
<input type="checkbox"/> Prohibited blood alcohol concentration	<input type="checkbox"/> Blood	<input type="checkbox"/> Breath	<input type="checkbox"/> Urine	<input type="checkbox"/> Refused
Prior DVIs: # of prior DVIs		FILED 11 2015 CLERK OF COURT		
<input type="checkbox"/> DRIVER LICENSE: <input type="checkbox"/> None <input type="checkbox"/> Not on person <input type="checkbox"/> Revoked <input type="checkbox"/> Suspended	<input type="checkbox"/> ORC	<input type="checkbox"/> ORD	<input type="checkbox"/> T.A.	
EXPIRED: <input type="checkbox"/> <6 months <input type="checkbox"/> >6 months <input type="checkbox"/> Failure to Reinstatement	Suspension Type:			
<input type="checkbox"/> SAFETY BELT: Failure to wear	<input type="checkbox"/> ORC	<input type="checkbox"/> ORD	<input type="checkbox"/> T.A.	
<input type="checkbox"/> Driver <input type="checkbox"/> Passenger <input type="checkbox"/> Child Restraint <input type="checkbox"/> Booster Seat				
<input checked="" type="checkbox"/> OTHER OFFENSE: ASSURED CLEAR DISTANCE AHEAD	<input type="checkbox"/> ORC	<input type="checkbox"/> ORD	<input type="checkbox"/> T.A.	333.03A
<input checked="" type="checkbox"/> OTHER OFFENSE: HIT-SLIP	<input type="checkbox"/> ORC	<input type="checkbox"/> ORD	<input type="checkbox"/> T.A.	335.12
<input type="checkbox"/> DRIVER LICENSE HELD	<input type="checkbox"/> VEHICLE SEIZED	<input type="checkbox"/> JUVENILE OFFENDER		
PAVEMENT: <input checked="" type="checkbox"/> Dry <input type="checkbox"/> Wet <input type="checkbox"/> Slush <input type="checkbox"/> Ice	<input type="checkbox"/> # of Lanes	<input type="checkbox"/> Construction Zone		
VISIBILITY: <input type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Dark	<input type="checkbox"/> Night <input type="checkbox"/> Dawn			
WEATHER: <input type="checkbox"/> Rain <input type="checkbox"/> Snow <input type="checkbox"/> Fog	<input checked="" type="checkbox"/> No Adverse			
TRAFFIC: <input checked="" type="checkbox"/> Heavy <input type="checkbox"/> Moderate <input type="checkbox"/> Light				
AREA: <input checked="" type="checkbox"/> Business <input type="checkbox"/> Rural <input type="checkbox"/> Residential <input type="checkbox"/> Industry <input type="checkbox"/> School				
CRASH: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Almost Caused <input type="checkbox"/> Non-Injury <input type="checkbox"/> Injury <input type="checkbox"/> Fatal				
Crash Report Number: 1532574				
REMARKS: MUST APPEAR				
ACCOMPANYING CRIMINAL CHARGE <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	TOTAL # OFFENSES 2			

TO DEFENDANT: SUMMONS PERSONAL APPEARANCE REQUIRED Yes No
 You are summoned and ordered to appear on **12-22** 20**15** at **9:00 AM**, at

ROCKY RIVER MUNICIPAL COURT, 21012 HILLIARD BOULEVARD, ROCKY RIVER, OHIO 44116
 CUYAHOGA COUNTY JUVENILE COURT, 3300 QUINCY AVE., CLEVELAND, OHIO 44100

If you fail to appear at this time and place you may be arrested or your license may be cancelled.
 This summons served personally on the defendant on **12-8** 20**15**
 The issuing/charging law enforcement officer states under the penalties of perjury and falsification that he/she has read the above complaint and that it is true.

Charging Law Enforcement Officer: **SCOTT J. [Signature]**

Shift	Hour	Post	Division
1830	717	505	50

Issuing Law Enforcement Officer: **[Signature]**
 Issuing Officer: Verify address, if different from the one address, write present address in space provided.

PRESENT ADDRESS
 SIGNATURE X
 DATE
 PHONE

W 211531

Exhibit F



ROCKY RIVER MUNICIPAL COURT
21012 Hilliard Blvd., Rocky River, OH 44116-3398
Phone: (440) 333-0066 Fax: (440) 356-5613 www.rrcourt.net

January 13, 2016

Kevin C Duffy
28276 CENTER RIDGE RD
Westlake, OH 44145

IMPORTANT: TRIAL ASSIGNMENT

Westlake, City of,
Plaintiff
VS

Case No. 15 TRD 10139

Kevin C Duffy,
Defendant

Judge Donna Congeni Fitzsimmons

OFFENSE(S):

335.12 Hit Skip / Leaving the Scene

333.03a ACDA

CASE OFFICER: J Leonard
AFFILANT:

The above entitled case has been assigned for Pretrial on 02/23/2016 at 8:45 am IN **COURTROOM 5 ON THE SECOND FLOOR**. You are required to notify this court in writing if there is a change in your residence or phone number. Motions for continuances are granted only for good cause shown and shall be filed not less than 48 hours prior to trial/pretrial.

ATTORNEY MUST NOTIFY DEFENDANT OF ALL COURT DATES. AS DEFENDANT WILL NOT RECEIVE NOTIFICATION FROM THE COURT.

ALL LITIGANTS, WITNESSES, AND ATTORNEYS WILL NEED TO GO THROUGH SECURITY SCREENING PRIOR TO ENTERING THE NEW COURTHOUSE. PLEASE ARRIVE AT THE COURT AT LEAST FIFTEEN MINUTES BEFORE THE SCHEDULED TIME, IN ORDER TO BE IN THE COURTROOM AT THE TIME ABOVE. THANK YOU!

Kevin C Duffy's Signature Phone No.

Attorney's Signature Phone No. (440)-516-3800

Patrick D. Quinn
2802 SOM Center Rd 102
Willoughby Hills, OH 44094

Exhibit G

JACK ALSOP
JUDGE
2 COURT SQUARE
WEBSTER COUNTY COURTHOUSE
WEBSTER SPRINGS, WV 26288
PHONE: (304)847-5062
FACSIMILE: (304)847-7671



RICHARD A. FACEMIRE
JUDGE
500 MAIN STREET
BRAXTON COUNTY COURTHOUSE
SUTTON, WV 26601-1313
PHONE: (304)765-2807
FACSIMILE: (304)765-5496

STATE OF WEST VIRGINIA
FOURTEENTH JUDICIAL CIRCUIT
BRAXTON, CLAY, GILMER, AND WEBSTER COUNTIES

February 17, 2016

Rachael L. Fletcher Cipoletti
Office of Disciplinary Counsel
City Center East
4700 MacCorkle Avenue, SE Suite 1200C
Charleston, WV 25304
Fax No. 304-558-4015

RE: Kevin Duffy

Dear Ms. Cipoletti:

As a follow up to our previous conversations of Friday, February 12, 2016 and Tuesday, February 16, 2016, the following has occurred in cases being handled by me in Clay County, West Virginia, in which Kevin Duffy is counsel of record.

Mr. Duffy was privately retained as counsel of record in the case of State of West Virginia vs. Isaiah Murphy. Mr. Murphy has pled guilty to two counts of aggravated robbery in November, 2015, with sentencing set for January 19, 2016.

On January 19, 2016, Mr. Duffy did not appear. I continued the sentencing until January 29, 2016, with the Clerk to issue a summons for Mr. Duffy to appear and show cause why he shouldn't be held in contempt for failure to appear.

On January 29, 2016, Mr. Duffy didn't appear but faxed a letter to the Clerk's office stating he couldn't appear because of a medical condition. I continued the matter until February 2, 2016.

On February 2, 2016, Mr. Duffy called in stating that he was in Ohio, his vehicle was broken down, that the repair shop was to fix the vehicle on February 3, 2016 and he planned to return to Clay, West Virginia on February 4, 2016. I continued the sentencing until February 8, 2016.

On the morning of February 8, 2016, Mr. Duffy contacted the Clay County Circuit Clerk's office stating he was still in Ohio and the part to fix his vehicle hadn't come in.

Rachael L. Fletcher Cipoletti
February 17, 2016
Page 2

I called Mr. Duffy on his cell phone and he relayed the same information to me. I subsequently relieved Mr. Duffy as counsel and appointed new counsel for Mr. Murphy.

Mr. Duffy also represented Melissa Jarvis in a felony matter in Clay County, West Virginia, being court appointed counsel.

Ms. Jarvis had a pre-trial hearing set for January 29, 2016. Mr. Duffy didn't show but sent the letter heretofore set forth that he was unavailable due to illness.

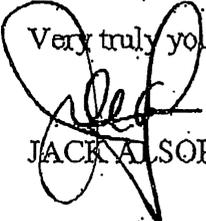
I continued the matter until February 2, 2016, at which time the events heretofore set forth as to Mr. Murphy occurred, likewise as to this case. I continued the matter until February 8, 2016.

On February 8, 2016, the events heretofore set forth occurred, and I subsequently relieved Mr. Duffy as counsel for Ms. Jarvis.

Both Mr. Murphy and Ms. Jarvis were in custody.

I have directed my court reporter to prepare a transcript of Mr. Duffy's phone conversation on February 2, 2016.

I did not become aware, until you told me on February 12, 2016 that there are criminal proceedings pending against Mr. Duffy in Ohio.

Very truly yours,

JACK ALSOP

JA/tlh

Pc: Kevin Duffy
Jim Samples, Prosecuting Attorney