

VIRGINIA :

BEFORE THE SEVENTH DISTRICT COMMITTEE  
OF THE VIRGINIA STATE BAR

received

APR 14 2006

VSB CLERK'S OFFICE

IN THE MATTER OF ALEXANDER RIDDICK IDEN, ESQ.  
VSB Docket No. 05-070-0485

COMMITTEE DETERMINATION  
(PUBLIC) ADMONITION

On April 11, 2006, a hearing in this matter was held on the charge of misconduct contained in the Notice of Hearing issued by Bar Counsel to Alexander Riddick Iden, the Respondent, on February 10, 2006. The hearing was conducted before the duly convened Seventh District Committee of the Virginia State Bar, consisting of Frederick Warren Payne, Esq., Peter Chapin Burnett, Esq., Joseph W. Richmond, Jr., Esq., Samuel R. Walker, Esq, Mr. Minor Eager, lay member, Mr. Randy Collins, lay member, and Thomas J. Chasler, Esq., presiding.

The Chair polled the members of the Committee panel as to whether any of them was conscious of any personal or financial interest or bias which would preclude any of them from fairly hearing this matter and serving on the panel, to which inquiry all members responded in the negative.

The Virginia State Bar was represented by Seth M. Guggenheim, Assistant Bar Counsel. The Respondent appeared and was represented by Rodney G. Leffler, Esq. Susan K. Green of Rudiger, Green & Kerns Reporting Service, 4116 Leonard Drive, Fairfax, Virginia 22030, telephone number (703) 591-3136, served as court reporter for the proceedings.

Pursuant to Part 6, §IV, ¶ 13(H) of the Rules of the Supreme Court of Virginia, the Seventh District Committee of the Virginia State Bar hereby serves upon the Respondent the following (Public) Admonition, as follows:

**I. FINDINGS OF FACT**

1. At all times relevant to the facts set forth herein, Alexander Riddick Iden, Esq. (hereafter “Respondent”), was an attorney licensed to practice law in the Commonwealth of Virginia, and, beginning in January of 2002, was the Commonwealth’s Attorney for the City of Winchester, Virginia.

2. In January of 2001, a jury sitting in the Circuit Court of the City of Winchester, Virginia, found Edward Nathaniel Bell guilty of capital murder and recommended that he be sentenced to death. Mr. Bell was sentenced to death by the Court in May of 2001.

3. Upon appeal, the Supreme Court of Virginia affirmed the conviction and death sentence in June of 2002, in an opinion reported as *Bell v. Commonwealth*, 264 Va. 172, 563 S.E.2d 695 (2002).

4. Under Virginia law, Mr. Bell, as an indigent prisoner sentenced to death, was entitled by statute to representation by court-appointed counsel in a state *habeas corpus* proceeding. In the fall of 2002, in anticipation of the filing of a *habeas corpus* petition, the Respondent and Virginia Senior Assistant Attorney General Katherine Baldwin prepared to defend such a petition.

5. While preparing for the anticipated petition, Ms. Baldwin advised the Respondent that attorneys serving as counsel in capital murder cases often contact former jurors without clearly identifying themselves, giving the impression that they work on behalf of the

Commonwealth of Virginia or the court. On October 29, 2002, Ms. Baldwin faxed the form letter attached hereto as VSB Exhibit 1, and incorporated herein by reference, for Respondent's use in communicating with the jurors in the Bell case.

6. On November 13, 2002, the Circuit Court of the City of Winchester, Virginia, appointed two attorneys to represent Mr. Bell in *habeas corpus* proceedings, as provided for by statute.

7. Without first researching the ethical propriety of sending such a letter, and without determining from Ms. Baldwin if the attorneys appointed by the Circuit Court to represent Mr. Bell had ever failed to identify themselves properly to jurors in capital murder cases, the Respondent sent letters on or about November 26, 2002, adopting the text contained in VSB Exhibit 1 to all of the jurors in the Bell case. A copy of one such letter is attached hereto as VSB Exhibit 2 and incorporated herein by reference.

## **II. NATURE OF MISCONDUCT**

The Committee finds that the following Rules of Professional Conduct have been violated:

### **RULE 3.4 Fairness To Opposing Party And Counsel**

A lawyer shall not:

- (a) Obstruct another party's access to evidence or alter, destroy or conceal a document or other material having potential evidentiary value for the purpose of obstructing a party's access to evidence. A lawyer shall not counsel or assist another person to do any such act.

### **RULE 3.8 Additional Responsibilities Of A Prosecutor**

A lawyer engaged in a prosecutorial function shall:

- (c) not instruct or encourage a person to withhold information from the defense after a party has been charged with an offense[.]

**III. (PUBLIC) ADMONITION**

In finding that the Respondent violated Rules of Professional Conduct 3.4(a) and 3.8(c), the Committee also found that an admonition was the appropriate sanction in that the Office of the Virginia Attorney General not only advised the Respondent that sending the letter in question was lawful, but also encouraged and affirmatively recommended to him that such a letter be sent to the jurors. Accordingly, it is the decision of the Committee that Respondent receive a (Public) Admonition pursuant to Part 6, §IV, ¶ 13(H)(2)(1)(2)(c) of the Rules of the Supreme Court of Virginia, and the Respondent is hereby admonished

**IV. COSTS**

Pursuant to Part 6, § IV, ¶ 13(B)(8)(c) of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs against the Respondent.

**SEVENTH DISTRICT COMMITTEE  
OF THE VIRGINIA STATE BAR**

By: \_\_\_\_\_

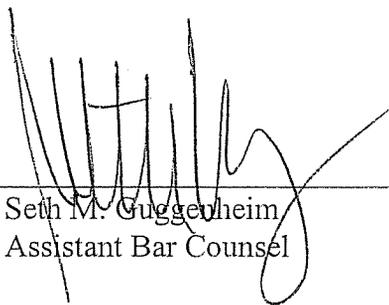


Thomas J. Chasler, Esq.  
Chair Designate

**CERTIFICATE OF SERVICE**

I certify that I have this 21<sup>st</sup> day of April, 2006, mailed a true and correct copy of the foregoing Committee Determination ([Public] Admonition) by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the Respondent, Alexander Riddick Iden, Esq., at 5 North Kent

Street, Winchester, Virginia 22601, his address of record with the Virginia State Bar, and by first class, postage prepaid, mail to Respondent's counsel, Rodney G. Leffler, Esq., at 4163 Chain Bridge Road, Fairfax, Virginia 22030-4102.



---

Seth M. Guggenheim  
Assistant Bar Counsel