

VIRGINIA:

BEFORE THE SECOND DISTRICT COMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
ALANA SHERRISE POWERS

VSB Docket No. 07-022-0958

DISTRICT COMMITTEE DETERMINATION
(PUBLIC ADMONITION WITHOUT TERMS)

On May 17, 2007, a hearing in this matter was held before a duly convened Second District Committee panel consisting of Debra Cooney Albiston, Attorney at Law, Jeffrey Laurence Marks, Esquire, Paula Michelle Brody Bruns, Attorney at Law, Bobby Wayne Davis, Esquire, Mr. William W. King, lay member, and Megan Elizabeth Furlich Burns, Attorney at Law, Chair.

Pursuant to Part 6, Section IV, Paragraph 13.H.2.1.(2) of the Rules of the Virginia Supreme Court, the Second District Committee of the Virginia State Bar hereby serves upon the Respondent the following Public Admonition Without Terms:

I. FINDINGS OF FACT

1. At all times material to these allegations, the Respondent, Alana Sherrise Powers, hereinafter "Respondent", has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. In a sentencing hearing at the Norfolk Circuit Court on May 26, 2006, Respondent's client, Randy Demond Cherry, was sentenced to two years for Possession of a Firearm by a Convicted Felon. At that time, the Court

appointed Respondent to represent Mr. Cherry in the appeal of said conviction.

3. On May 30, 2006, Respondent opened a file for the Cherry appeal and began preparing the appeal, including arguments for the brief.
4. The Court entered its written sentencing order on June 6, 2006.
5. Respondent made efforts to ascertain the date of entry of the order by going to the Clerk's office on June 15, 2006 and June 27, 2006. In each instance, the Clerk's office was unable to find the order, and Respondent was unable to determine whether and when the sentencing order was entered.
6. On July 5, 2006, at approximately 3:00 p.m., Respondent traveled to the Clerk's office and found the June 6, 2006 sentencing order.
7. Respondent prepared the Notice of Appeal and mailed via First Class U.S. Mail the notice of appeal at or around 10:00 p.m. at the main post office, shortly before the last mail pick-up.
8. At this time, Respondent, along with other office-sharing attorneys, employed an office receptionist.
9. At this time, Respondent's office building had a Federal Express pick-up box in the lobby which had a last daily pick-up at 6:30 p.m.
10. Respondent's office was approximately 100 yards from the Norfolk Circuit Court Clerk's office.
11. The Notice of Appeal was not filed at the Clerk's office until July 7, 2006, outside of the 30 day deadline of Rule 5A:6.

12. After the Virginia Court of Appeals dismissed the appeal on August 11, 2006, Respondent wrote to Mr. Cherry at the Norfolk City Jail on August 16, 2006. Therein, Respondent advised Mr. Cherry of the defaulted appeal and advised him of the available options of a delayed appeal that she could file for him or of a petition for a writ of habeas corpus.
13. Receiving no response or direction from Mr. Cherry, Respondent took no further steps in her appointed representation.

II. NATURE OF MISCONDUCT

Such conduct by Alana Sherrise Powers constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

RULE 1.3 Diligence

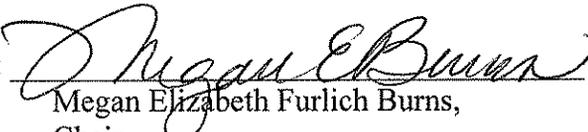
(a) A lawyer shall act with reasonable diligence and promptness in representing a client.

III. PUBLIC ADMONITION WITHOUT TERMS

Accordingly, it is the decision of the Second District Committee to impose a Public Admonition Without Terms and Alana Sherrise Powers is hereby so admonished.

Pursuant to Paragraph 13.B.8.c. of the Rules of Court, the Clerk of the Disciplinary System shall assess costs.

SECOND DISTRICT COMMITTEE—SECTION II
OF THE VIRGINIA STATE BAR

By: 
Megan Elizabeth Furlich Burns,
Chair

CERTIFICATE OF MAILING

I certify that on May 25, 2007, I caused to be mailed by Certified Mail, Return Receipt Requested, a true and complete copy of the District Committee Determination (Public Admonition Without Terms) to Alana Sherrise Powers, Respondent, at Sherrise Powers, P.L.C. Dominion Tower, Suite 435, 999 Waterside Drive, Norfolk, VA 23510, Respondent's last address of record with the Virginia State Bar.


Paul D. Georgiadis
Assistant Bar Counsel