

VIRGINIA: BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF:)
)
Vincent Napoleon Godwin) VSB Docket No. 02-000-2789

ORDER OF REVOCATION

THIS MATTER came before the Virginia State Bar Disciplinary Board for hearing pursuant to a Rule to Show Cause and Order of Suspension and Hearing entered March 29, 2002 (the "Order of Suspension"), requiring that Vincent Napoleon Godwin ("Respondent") appear before the Virginia State Bar Disciplinary Board (the "Board") on April 26, 2002, to show cause why his license to practice law within the Commonwealth of Virginia should not be suspended or revoked based upon conviction of a "Crime", as defined by the Rules of the Supreme Court of Virginia ("Rules"), Part 6, Section IV, Paragraph 13.A. The official file in the Office of the Clerk of the Disciplinary System documents that the order of suspension, notice of the hearing and a copy of the criminal conviction order from the court entering same was served on Respondent, by certified mail, return receipt requested, at his address of record with the Virginia State Bar as required by the Rules, on January 25, 2002. On said hearing date Respondent appeared *pro se* before a duly convened panel of the Board and filed a written request for a continuance, advising the panel that his sentencing for his convictions had been stayed pending appeal. By order entered May 1, 2002 the Board continued the hearing generally until such time as Respondent might be sentenced, during which time summary suspension of Respondent's license remained in full force and effect.

On May 21, 2004, a panel of the Board, consisting of Roscoe B. Stephenson, III, Chair,

Chester J. Cahoon, Jr., lay member, Robert E. Eicher, Joseph R. Lassiter, Jr. and H. Taylor Williams, IV was duly convened and, after other preliminary business and hearings, at or about 10:30 a.m. this case was thrice called in the hallway adjacent to the hearing room, the Respondent failing to appear. The Respondent was duly notified of the hearing by letter mailed May 5, 2004 by certified mail, return receipt requested, to his address of record, enclosing an order entered May 5, 2004 setting the case for a hearing on May 21, 2004. A copy was also sent to his current place of incarceration on May 14, 2004.

Each member of the panel was requested by the Chair to state whether he was aware of any personal or financial interest which would affect or reasonably be perceived to affect his ability to be impartial in this case, all members responding in the negative. The Virginia State Bar (the "Bar") was represented by Edward L. Davis, Assistant Bar Counsel. The Bar then moved into evidence three exhibits consisting of an Affidavit from Diana L. Balch, custodian of membership records for the Bar, pertaining to Respondent's membership status, the entire record to date, and a certification of Respondent's disciplinary record. The three exhibits were admitted without objection.

The record (Bar Exhibit 2) shows that on or about February 26, 2002, Respondent was convicted of seven felony counts of stealing property from Framingham Cooperative Bank ("Bank") totaling \$246,400. Specifically, Respondent was charged with four counts of forging and uttering checks, and seven counts of stealing cash from Framingham Cooperative Bank, said offenses arising from depositing the forged checks into an account at the Bank. Defendant was found guilty by jury verdict on the seven counts of stealing cash from the Bank, to wit: \$70,000 and \$10,500 on June 4, 2001; \$1,200, \$7,400, \$2,500, and \$4,000 on divers dates between June 5

and 13, 2001, and \$150,000 on or about June 18, 2001. Respondent appealed the guilty verdicts to the Massachusetts Appeals Court, which appeal was ultimately denied. Upon this record, the Board finds that the Bar has proven by clear and convincing evidence that Respondent has been convicted of a “Crime” as defined by Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13.A.

Thereupon, the Board considered the appropriate sanction and unanimously determined that Respondent’s license to practice law in the Commonwealth of Virginia should be revoked, with the effective date of the revocation to be at the end of Respondent’s current suspension for other findings of misconduct, as hereinafter set out, so that the revocation will run consecutive to said suspension.

It is accordingly, ORDERED that, pursuant to Part 6, Section IV, Paragraph 13.I(5)(c)(2) of the Rules of the Supreme Court of Virginia, the license of Vincent Napoleon Godwin to practice law in the Commonwealth of Virginia be, and the same hereby is, REVOKED effective December 12, 2006. Respondent’s license is currently under a three-year suspension for prior disciplinary action, which suspension runs until December 12, 2006.

It is FURTHER ORDERED that the Clerk of the Disciplinary System shall send an attested and true copy of this Order to Respondent by certified mail, return receipt requested, at his address of record with the Virginia State Bar, 22253 Deep Bottom Drive, Carrollton, VA 23314, and by regular mail to his place of incarceration at Middlesex County House of Corrections (Billerica), 269 Treble Cove Road, P.O. Box 565, B-11, Billerica, MA 01821 and to Edward L. Davis, 707 E. Main Street, Suite 1500, Richmond, Virginia 23219.

The proceedings in this matter were reported by Tracy Stroh, Chandler & Halasz, P.O.

Box 9349, Richmond, Virginia 23227, (804) 730-1222.

The Clerk of the Disciplinary System shall assess costs pursuant to Rules of the Supreme Court, Part 6, Section IV, Paragraph 13.B.8.C.

So ordered this _____ day of June, 2004.

VIRGINIA STATE BAR DISCIPLINARY BOARD

By: _____
Roscoe B. Stephenson, III, Chair