

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF
TIMOTHY GEORGE HAYES

VSB Docket No. 18-000-107910

RULE TO SHOW CAUSE
AND
ORDER OF SUMMARY SUSPENSION AND HEARING

It appearing to the Board that Timothy George Hayes was licensed to practice law within the Commonwealth of Virginia on April 27, 2006, and,

It further appearing that on January 9, 2018, Timothy George Hayes has been convicted of a crime in the Circuit Court of Tazewell County, Virginia, CR16-1696-00, to Distribution/Manufacturing a Schedule I/II Controlled Substance (Sale for Profit), and

It further appearing that Timothy George Hayes has entered a plea of no contest to a Crime, as defined by the Rules of Court, Part 6, Section IV, Paragraph 13-1,

It is ORDERED, pursuant to the Rules of Court, Part 6, Section IV, 13-22, that the license of Timothy George Hayes to practice law within the Commonwealth of Virginia be, and the same is, hereby SUSPENDED, effective October 4, 2018.

It is further ORDERED that Timothy George Hayes appear before the Virginia State Bar Disciplinary Board at the State Corporation Commission, Courtroom B, Second Floor, Tyler Building, 1300 East Main Street, Richmond, VA 23219 at 9:00 a.m., on October 26, 2018, to show cause why his license to practice law within the Commonwealth of Virginia should not be further suspended or revoked.

It is further ORDERED that Timothy George Hayes shall forthwith give notice, by certified mail, of the suspension of his license to practice law in Virginia to all clients for whom he is currently handling matters and to all opposing attorneys and the presiding judges in pending

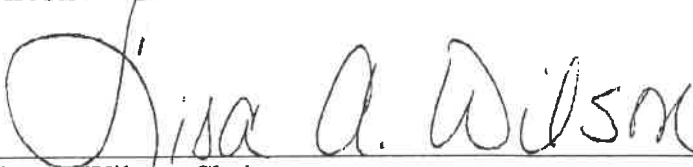
litigation. The Attorney shall also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of his clients. The Attorney shall give such notice within fourteen (14) days of the effective date of the suspension order, and make such arrangements as are required herein within forty-five (45) days of the effective date of the suspension order. The Attorney shall also furnish proof to the bar within sixty (60) days of the effective date of the suspension order that such notices have been timely given and such arrangements for the disposition of matters made. Issues concerning the adequacy of the notice and arrangements required herein shall be determined by the Disciplinary Board, which may impose a sanction of revocation or suspension for failure to comply with the requirements of this subparagraph.

It is further ORDERED that a copy of the Conviction and Sentencing Order be attached to this Rule to Show Cause and Order of Summary Suspension and Hearing and made a part hereof.

It is further ORDERED that an attested copy of this Rule to Show Cause and Order of Summary Suspension and Hearing, with attachments, shall be mailed to Timothy George Hayes, by certified mail at his address of record with the Virginia State Bar, 304 Hayes Hill, Tazewell, VA 24651, and a copy to Kathryn R. Montgomery, Deputy Bar Counsel, Virginia State Bar, 1111 East Main Street, Suite 700, Richmond, Virginia 23219-0026.

ENTERED THIS 27th DAY OF SEPTEMBER, 2018

VIRGINIA STATE BAR DISCIPLINARY BOARD



Lisa A. Wilson, Chair

A COPY TESTE:



DAVIDA M. DAVIS

CLERK OF THE DISCIPLINARY SYSTEM

VIRGINIA: IN THE CIRCUIT COURT OF TAZEWELL COUNTY

FIPS Code: 185
 Hearing Date: 05/03/18
 Judge: Jack S. Hurley, Jr.

COMMONWEALTH OF VIRGINIA PLAINTIFF

VS)(**CONVICTION AND SENTENCING ORDER**

TIMOTHY GEORGE HAYES..... DEFENDANT
 AKA: NONE

Attorney for the Commonwealth: MIKE DENNIS
 Attorney for the Defendant: TOM SCOTT (R)
 Court Reporter: MONICA FULLER

On January 9, 2018, the Defendant entered a plea of no contest to the following offense:

Case No:	Offense Description	F/M	Offense Date	VA Code Section	VCC Code	OTN
CR16-1696-00	Distribution/ Manufacturing Sch I/II Controlled Substance (Sale for Profit)	F	08/13/15	18.2-248	NAR-3045-F9	1858CR1600169600

After careful consideration, the Court found fact sufficient to the finding of guilt and took this matter under advisement until the pre-sentence report could be prepared by the Probation and Parole office.

The Defendant appeared this day, May 3, 2018, with his attorney, Tom Scott, for sentencing.

The pre-sentence report was considered and is ordered filed as a part of the record in this case in accordance with the provisions of Virginia Code § 19.2-299.

Pursuant to the provisions of Virginia Code § 19.2-298.01, the Court has considered and reviewed the applicable discretionary sentencing guidelines and the guidelines worksheets. The sentencing guidelines worksheets and the written explanation of any departure from the guidelines are ordered filed as a part of the record in this case.

Before pronouncing the sentence, the Court inquired if the defendant desired to make a statement and if the defendant desired to advance any reason why judgment should not be pronounced.

Based upon the foregoing and the evidence presented/stipulated and the written plea agreement, the Court FINDS the Defendant guilty and SENTENCES him to:

Case No:	Offense Description	F/M	Sentence	Suspended sentence	To Serve	Fine
CR16-1696-00	Distribution/ Manufacturing Sch I/II Controlled Substance (Sale for Profit)	F	5 years	4 years 8 months	4 months	

A COPY, TESTE:
 TAMMY B. ALLISON, CLERK OF THE
 CIRCUIT COURT OF TAZEWELL COUNTY
 BY: *Tammy B. Allison*
 DEPUTY CLERK

GOOD BEHAVIOR: The Defendant shall be of good behavior from this date until the term of incarceration is complete and throughout the term of probation, and/or, any term of suspension, which shall include a requirement of the Defendant to submit to urine, blood or hair samples to be withdrawn from the person of the Defendant to enforce this condition of good behavior.

PROBATION:

- SUPERVISED
- ADULT PROBATION
- 3 YEARS UNLESS SOONER RELEASED BY COURT
- UPON SENTENCING
- SHALL COMPLY WITH ALL RULES AND REQUIREMENTS SET BY PROBATION OFFICER WHICH SHALL INCLUDE SUBSTANCE ABUSE COUNSELING AND/OR TESTING

PROBATION AND PAROLE LITTER PICK-UP PROGRAM: The Defendant shall be a participant in the Probation and Parole Litter Pick-Up Program, also known as the Assign-A-Highway Program. Defendant shall pick up litter along a section of public roadway or waterway, a local landfill, or participate in clean-up and litter removal activities in county locations as assigned by the director of the program, or his designee, pursuant to the rules of the program. Defendant may also be assigned to recycling duties at a locality designated by the Probation Office at public landfills, transfer sites, or other trash collection/processing systems. Participation in this program is a condition of the Defendant's probation.

PROBATION EXTENSION: The supervised probation term set herein **SHALL** automatically be extended without further **ORDER** of this Court **IF** the Defendant herein owes any court costs and/or restitution applicable to this case; in the event that the probation term set herein is extended as set forth herein, then such extension of probation shall continue until such time that all court costs and/or restitution is paid in full. At such time as all court costs and/or restitution applicable to this case is paid in full and the Defendant herein is otherwise eligible to be released from supervised probation, then the probation extension herein **SHALL** be terminated and the Defendant herein **SHALL** be released from his or her probation obligation.

SPECIAL PROGRAM: The Court hereby **ORDERS** the Defendant to enter and successfully complete the SECOR program.

SUSPENSION OF DRIVER'S LICENSE:

- 6 MONTHS
- Defendant surrendered his license to the Court on this date
- Restricted license was not granted

COSTS: The Defendant shall pay the costs incurred by the Commonwealth in this case.

ADDITIONAL REQUIREMENTS: Defendant is directed to submit to a sample for DNA analysis.

RESTITUTION: The Defendant is **ORDERED** to make restitution as set forth in the **ORDER FOR RESTITUTION**.

CREDIT FOR TIME SERVED: It is further **ORDERED** by the Court that the Defendant be given credit for time served pursuant to §53.1-187, which shall include credit for completed Detention Center, Diversion Center, CCAP, as well as any other Department of Corrections treatment programs.

The Court certifies that at all times during the trial of this case the Defendant was personally present and his attorney was likewise personally present and capably represented the Defendant.

It is further ORDERED that the Defendant shall report to the SWVRJA – Tazewell Facility on May 14, 2018 by 7:00 p.m. to serve the active sentence continually.

This matter is removed from the docket of this Court.

Enter this 8th day of May, 2018.

Josh S. Hensley, Jr., Judge

Defendant Identification	AKA:	SSN	DOB
TIMOTHY GEORGE HAYES			

Sentence Summary	Years	Months	Days
Total Incarceration Sentence Imposed:	5		
Total Sentence Suspended:	4	8	
Total Sentence to Serve:		4	
Total Supervised Probation Term:	3		
Entry/Completion of Special Program:		SECOR	

FOR CLERK'S USE ONLY:

Conviction reported to applicable Board _____, Clerk

5-10-18
Date

By Michael A. Sprowsburg, Deputy Clerk