



## Court of Appeals of Georgia

January 6, 2015

TO: Mr. Michael P. Greenwood, GDC779780, Macon State Prison, Post Office Box 426,  
Oglethorpe, Georgia 31068

RE: **A11A0707. Michael P. Greenwood v. The State**

### CHECK RETURN

- Your check number \_\_\_\_\_ in the amount of \_\_\_\_\_ written on the account of your firm for the filing fee in \_\_\_\_\_ is enclosed. Please be advised that this Court is returning your check since the filing fee was already paid by \_\_\_\_\_.

### CASE STATUS - DISPOSED

- The above referenced appeal was affirmed on June 14, 2011. The remittitur issued on July 1, 2011, divesting this Court of any further jurisdiction of your case. The case is therefore, final.**

### CASE STATUS - PENDING

- The above referenced appeal is in your name before this Court. The appeal was docketed in the \_\_\_\_\_ Term and a decision must be rendered by the Court by the end of the \_\_\_\_\_ Term which ends on \_\_\_\_\_.

### APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

- To appeal a probation revocation, you will need to file a Discretionary Application with this Court. Rule 31 of the Rules of the Court of Appeals of Georgia describes a Discretionary Application and the items you would need to include with your application.

A Discretionary Application must be filed within 30 days of the stamped filed date on the order that you are appealing and the application must be accompanied by a proper Certificate of Service and a pauper's affidavit or the \$80.00 filing fee. You must also comply with all the other applicable rules of Court regarding filing with the Court of Appeals of Georgia.

Enclosed, please find a copy of the Rules of the Court of Appeals for your review.

JAN 2 2015  
CASE NO - A11A0707COURT CLERK  
CLERK COURT OF APPEALS OF GA

STATE OF GEORGIA

Michael P. Greenwood

## MOTION FOR RECONSIDERATION DUE TO DEFENDANTS COUNSEL'S DISBARMENT AND ABANDONMENT WHILE REPRESENTING DEFENDANT

Now Comes the Defendant (PRO-SE) due to his current counsel, William Peterson, disbarment and request this HONORABLE COURT to reconsider his Appeal because his 5<sup>th</sup>, 6<sup>th</sup>, and 14<sup>th</sup> Amendment Rights of the U.S. Constitution has been violated.

To support this Motion the Defendant shows:

(T.)

On May 12, 2006 the Defendant was convicted in Houston Court of Theft By Taking, Entering Auto, Criminal Damage and sentenced to 25 years in prison followed by 9 years probation under 17-10-7C recidivism.

On February 3, 2009 attorney William Peterson was appointed to represent the Defendant for post-conviction relief.

On April 9, 2009 the Defendant filed a PRO-SE Motion requesting replacement of counsel due to Mr. Peterson

never making any contact with <sup>him</sup> as required by law and State Bar Rule 1.4 - that mandates all attorneys meet with clients promptly after appointment.

The Defendant's was subsequently denied relief on April 31, 2009

by the Trial Court dismissing his Motion.

(II.)

On September 17, 2009 the Defendant was sent a letter from the Public Defenders office (not Mr. Peterson) See Exhibit "A" stating Mr. Peterson "was a very competent and thorough attorney" after the Defendant filed a Bar Grievance (which was dismissed because Mr. Peterson lied to the Bar) SEE Exhibit "B"

(III.)

The Defendant's Counsel, William Peterson, was disbarred by the Supreme Court of Georgia and the State Bar of Georgia for Lying (False representation) about the status of matters, failing to communicate with clients, failing to send post-conviction files to clients, and abandonment of three other clients at the same period he was representing the Defendant.

SEE: IN THE MATTER OF WILLIAM M PETERSON  
SUPREME COURT OF GEORGIA 2010 Ga. 794; 725 SE.2d 252; (20

(IV.)

On 9/17/2010 the Defendant's counsel filed a frivolous MOTION FOR NEW TRIAL (which was denied) and on

11/4/2010 filed a Appeal before this HONORABLE COURT without ever meeting with the Defendant the entire time he represented him to review logical and reasonable grounds resulting in another frivolous Motion which was denied by this Honorable Court and Order and Remittitur Affirming Judgement on 7/6/2011.

V.

Due to Defendants Counsel's disbarment, never meeting with client/Defendant, abandonment, and misrepresentation of the truth to the State Bar the Defendant has been without counsel for the past five years to aide his critical phases of prosecution for post conviction relief.

VI.

According to the 6th Amendment of the U.S. Constitution and the Georgia Constitution (art. I § I ¶ XIV) the Defendant is entitled to by the State to provide "effective" and conflict free counsel at public expense to him in ALL critical phases of a criminal prosecution, which include motion and representation for NEW TRIAL and DIRECT APPEAL. Mr. Peterson "admitted" to the State Bar and the Supreme of Georgia had lied several times to them, failed to communicate with his clients, didn't act with reasonable diligence.

promptness, and willfully abandoned their cases at the same time he represented the Defendant Mr. Michael P. Greenwood for "Motion for New Trial and Direct Appeal, which are critical phases of prosecution. SEE EXHIBIT C" and *Gideon v. Wainwright*, 372 U.S. 335 (1963). The Defendant's 6<sup>th</sup>, 5<sup>th</sup>, and 14<sup>th</sup> Amendment Rights of the U.S. Constitution have been violated.

Wherefore the Defendant prays this HONORABLE APPEAL COURT grant this Motion for Reconsideration and allow the Defendant to be appointed new effective counsel to resubmitted effective grounds before this court for post conviction relief.

The Defendant request a Hearing at the earliest date this Honorable Court deems necessary and production order (transport) to address these matters.

Respectfully Submitted this 19 day of 2014.

*Michael Greenwood*  
Michael P. Greenwood  
GDC#: 779780  
Macon State Prison  
P.O. Box 426  
Oglethorpe, Ga 31068

12/19/14 *Andrea Brown*



EXHIBIT "A"



INDIGENT DEFENSE COORDINATOR  
HOUSTON COUNTY COURTHOUSE  
201 N. PERRY PKWY  
PERRY, GEORGIA 31069

September 17, 2009

Michael P. Greenwood D-1  
Calhoun State Prison  
#779780/604263  
P.O. Box 249  
Morgan, GA 39866

Re: 2006C36528L

Mr. Greenwood:

This is in response to your letter of August 30, 2009 which I received 2 days ago from Ms. Gluck-Steger concerning your appointed attorney, William Peterson. He was only appointed on your case February 3, 2009 and until that time, your file was still in the Public Defender's Office.

It does take time for an attorney to review your transcripts before a motion for a new trial hearing is scheduled. I am sure you would want that attorney to be fully familiar with your case before any hearing is held. Mr. Peterson is a very competent and thorough attorney.

I spoke with him and he informed me that he was indeed going over your files and would be scheduling a hearing in the near future. The Public Defender's Office probably held your file thinking they could represent you but eventually decided that it would be in your best interest to have another attorney outside of their office handle this for you.

You should have all the facts before you start filing complaints against any attorney until you know reasons for a delay.

Sincerely,

Judy Howard-McConnell  
Indigent Defense Co-ordinator  
Houston Superior Court

\*\*Mr. Peterson's mailing address:  
309 Emory Drive  
Warner Robins, GA 31093

EXHIBIT B

STATE BAR OF GEORGIA  
OFFICE OF THE GENERAL COUNSEL

WILLIAM P. SMITH, III  
General Counsel  
Bar Counsel  
ROBERT E. McCORMACK  
Deputy General Counsel  
JOHN J. SHIPTENKO  
Assistant General Counsel



Disciplinary Counsel  
PAULA J. FREDERICK  
Deputy General Counsel  
JENNY K. MITTELMAN  
JONATHAN HEWETT  
Sr. Assistant General Counsel

KELLYN D. McGEE  
REBECCA A. HALL  
A. M. CHRISTINA PETRIG  
Assistant General Counsel  
CARMEN ROJAS RAFTER  
Grievance Counsel

May 11, 2009

CONFIDENTIAL GDC#779780  
Mr. Michael Greenwood  
P.O. Box 249  
Morgan, GA 39866

Re: Grievance filed against Mr. William M. Peterson, Bar# 574660

Dear Mr. Greenwood:

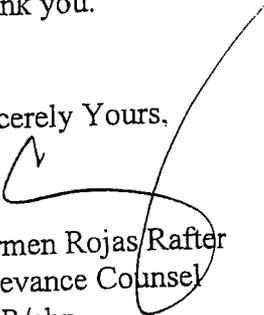
We carefully reviewed the grievance you filed with our office against attorney William M. Peterson.

You state that the Public Defender's Office who represented you at trial noted that you need to be appointed a conflict attorney for your Motion for New Trial and Appeal. Your complaint is that they have failed to appoint an attorney quickly, depriving you of expediting a Motion for New Trial and appeal in your criminal case. The information furnished was not sufficient to show any violation of the State Bar of Georgia's ethics rules by Mr. Peterson. Therefore, the grievance is dismissed.

Nevertheless, dismissal of the grievance by our office does not affect any other right you may have under Georgia law. You may want to write directly to Larry Schneider at the Georgia Public Defender's Standards Council located at 104 Marietta Street, Suite 200, Atlanta, GA 30303 regarding your concerns.

Thank you.

Sincerely Yours,

  
Carmen Rojas Rafter  
Grievance Counsel  
CRR/chp

c: William M. Peterson 38361

Exhibit C

STATE BAR OF GEORGIA  
OFFICE OF THE GENERAL COUNSEL

PAULA J. FREDERICK  
General Counsel

WILLIAM P. SMITH, III  
Ethics Counsel

Bar Counsel  
WILLIAM D. NESMITH, III  
Deputy General Counsel

JOHN J. SHIPTENKO  
Sr. Assistant General Counsel



Disciplinary Counsel  
JENNY K. MITTELMAN  
Deputy General Counsel

JONATHAN HEWETT  
Sr. Assistant General Counsel

REBECCA A. HALL  
A. M. CHRISTINA PETRIG  
WILLIAM J. COBB  
Assistant General Counsel  
WOLANDA R. SHELTON  
Grievance Counsel

Date: Nov 24, 2014

**CONFIDENTIAL**

To whom it may concern:

This office received your correspondences regarding a complaint(s) against a Georgia licensed attorney. Unfortunately, your correspondence is being returned for one or more reasons listed below:

- no signature
- attorney not listed
- multiple listings with name provided
  - please provide address, middle initial or bar number
- no listing for an attorney with the name provided
  - please provide bar number or correct spelling of attorney's name
- form lists more than one attorney or law firm
  - grievances are confidential to each attorney
- grievance with attachments exceeds 20 pages
  - please provide additional copy of grievance with attachments
- Attorney is disbarred
  - This office no longer has jurisdiction over this attorney. Disbarment order is included.
- Attorney is deceased.

Once you have made corrections on a new grievance form, please return it to our office for processing. We regret any inconvenience this may cause.

Thank you for your cooperation with this matter.

Sincerely,

Jessica Oglesby  
Legal Assistant/Receptionist

Enclosures

In the Supreme Court of Georgia

Decided: July 2, 2012

S12Y1594. IN THE MATTER OF WILLIAM M. PETERSON.

PER CURIAM.

This disciplinary matter is before the Court on the petition of William M. Peterson (State Bar No. 574660), a member of the State Bar since 1988, for the voluntary surrender of his license. He filed the petition after the State Bar issued two Notices of Discipline related to grievances filed by two clients.

In his petition, Peterson admits that in his representation of two clients in different matters, he failed to adequately communicate with his clients, did not act with reasonable diligence and promptness in representing the clients, and, in effect, willfully abandoned their cases. He also admits that he was served with Notices of Investigation in connection with each matter, but he failed to file a response. He admits that by this conduct, he has violated Rules 1.3, 1.4, and 9.3 of the Georgia Rules of Professional Conduct found in Bar Rule 4-102 (d). The maximum sanction for a violation of Rule 1.3 is disbarment and the maximum sanction for a violation of Rules 1.4 and 9.3 is a public reprimand.

The State Bar recommends that the Court accept the petition.

We have reviewed the record and Peterson's prior disciplinary record, which includes a three-year suspension (In the Matter of Peterson, 290 Ga. 794 (725 SE2d 252) (2012)) and two formal letters of admonition, and we agree to accept Peterson's petition for voluntary surrender of his license, which is tantamount to disbarment. See Bar Rule 4-110 (f). Accordingly, it is hereby ordered that the name of William M. Peterson be removed from the rolls of persons authorized to practice law in the State of Georgia. Peterson is reminded of his duties pursuant to Bar Rule 4-219 (c).

Voluntary Surrender of License Accepted. All the Justices concur.

## Certificate of Service

This is to certify that I have this day served a true and correct copy of the within and foregoing document(s) upon the party(s) listed below by depositing a copy of same in the United States Mail in a properly addressed envelope with adequate postage thereon to below addresse(s).

Clerk Court OF APPEALS OF Georgia  
47 Trinity Avenue, S.W., Suite 501  
Atlanta, Georgia 30334

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This the 22 day of December, 20 14.

Signature Michael Greenwood