

CLOSED

**U.S. District Court  
Middle District of Florida (Ft. Myers)  
CIVIL DOCKET FOR CASE #: 2:06-mc-00002-JES  
Internal Use Only**

In re: Richard Creel  
Assigned to: Judge John E. Steele  
Cause: Standing Order

Date Filed: 01/24/2006  
Date Terminated: 01/24/2006  
Jury Demand: None  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**In Re**

**Richard Creel**  
*Attorney*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
01/24/2006	<u>1</u>	ORDER Suspending Richard Creel from the Fort Myers Division Criminal Justice Act Panel. Signed by Judge John E. Steele on 1/24/06. (Attachments: # (1) Exhibit)(drm) (Entered: 01/25/2006)
01/25/2006		(Court only) ***COPIES mailed to Unrepresented Parties: Richard Creel, Eleventh Circuit Court of Appeals, Hon. Patricia Fawsett, Hon. James D. Whittemore, All Fort Myers Division Judges, All Fort Myers Courtroom Deputies, Chairperson, Grievance Committee, Paul I. Perez, U.S. Attorney, R. Fletcher Peacock, FPD, Douglas Molloy, Chief U.S. Attorney, Fort Myers Division, Martin DerOvanesian, Supervising AFD, Fort Myers Division, L. Stoddard, J. Lyublanovits and Sandy Wallen re: <u>1</u> Order. (drm) Modified on 1/25/2006 (drm). (Entered: 01/25/2006)
01/25/2006		(Court only) ***CASE CLOSED. (drm) (Entered: 01/27/2006)
10/03/2007	<u>2</u>	ACTION BY THE GRIEVANCE COMMITTEE AS A WHOLE (RKM) (Entered: 10/03/2007)
10/03/2007	<u>3</u>	GRIEVANCE COMMITTEE'S PRELIMINARY RECOMMENDATION (Attachments: #(1) Preliminary Report to the Grievance Committee Concerning Richard Creel; #(2) Exhibit A - Order Suspending Richard Creel; #(3) B - E-mail notification from Court; #(4) C - The Florida Bar v. Creel, 961 So. 2d 934 (Fla. 2007)(Table); #(5) D - The Florida Bar v. Creel, 2007 WL 1567758 (Fla. 2007); #(6) E - Naples Daily News article; #(7) F - Indigent Services Committee Memorandum; #(8) G - Second District Court of Appeal of Florida Orders). (RKM) (Entered: 10/03/2007)

10/03/2007	<u>4</u>	ORDER accepting <u>3</u> Recommendation and directing Chairman of the Fort Myers Grievance Committee to forward the matter to the appropriate grievance committee of the Florida Bar for whatever action, if any, it deems appropriate. Signed by Judge John E. Steele on 10/3/2007. (RKM) (Entered: 10/03/2007)
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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

IN RE: ATTORNEY RICHARD CREEL

Case No. 2:06-mc-2-FTM-29

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**ORDER SUSPENDING RICHARD CREEL FROM THE FORT MYERS DIVISION  
CRIMINAL JUSTICE ACT PANEL**

\_\_\_\_\_ This matter came before the Court on a letter (Doc. #218) filed on January 6, 2006, from defendant Daniel Michel in the case of United States of America v. Daniel Michel, Case No. 2:03-cr-126-FtM-29DNF. The letter asserts that attorney Richard Creel, who had been appointed to pursue Michel's direct appeal, had not contacted Michel or done anything with regard to the appeal. By Order to Show Cause (Doc. #217) issued January 10, 2006, the Court directed attorney Richard Creel to appear and show cause why he had failed to take any steps in connection with the appeal. Attorney Creel failed to appear at the January 23, 2006 show cause hearing.

A summary of the proceedings in Michel is set forth in an Opinion and Order filed January 24, 2006, in that case. A copy is attached and incorporated herein. Of note is that on December 2, 2005, the Magistrate Judge conducted a show cause hearing with Mr. Creel, who stated that he did not receive the original notice of appointment.<sup>1</sup> Mr. Creel was directed to contact his client Daniel Michel immediately, and was cautioned about future non-appearances in court. On January 6, 2006, the Court received the letter from

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<sup>1</sup>See Case No. 2:05-cv-191-FTM-29DNF docket entries.

Daniel Michel (Doc. #216) indicating that Mr. Creel had never contacted him to process his appeal. Additionally, the record did not reflect that counsel had filed a Notice of Appeal, and as stated earlier, Mr. Creel failed to appear for the January 23, 2006, show cause hearing.

The Court finds that the conduct of Richard Creel is contrary to professional standards and shows an unfitness to discharge continuing obligations to clients and the District Court, and is inimical to the administration of justice. In the Michel case, Mr. Creel provided ineffective assistance of counsel, and failed to appear at a show cause hearing after being served with notice and after having been counseled by the Magistrate Judge about future non-appearances in court.

In addition, Mr. Creel has been removed as CJA counsel in at least two other cases in the Fort Myers Division after failing to appear for scheduled court hearings. See United States v. Armando Vidal Encinas, Case No. 2:05-cr-5-FtM-33SPC and United States v. Fernando Pascual, 2:05-cr-57-FtM-33DNF. Further, Mr. Creel failed to appear in response to an order to show cause in a Tampa Division case, and there is pending in that case an Order to show cause why his Middle District of Florida membership should not be suspended and sanctions imposed. United States v. Todd Mayo, 8:04-cr-181-T-27EAJ.

In light of Mr. Creel's conduct in the Michel case, his failure to appear to show cause explaining his conduct, and the

recent pattern of behavior in CJA-appointed cases, the Court finds good cause to suspend Mr. Creel from the CJA panel until further order of the Court. Mr. Creel may petition the Court for reinstatement.

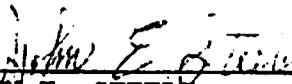
Accordingly, it is hereby

**ORDERED AND ADJUDGED:**

1. Attorney Richard Creel is **suspended** from the Criminal Justice Panel for the Fort Myers Division of the Middle District of Florida until further order of the Court. Mr. Creel shall not be appointed as CJA counsel for any further cases in the Fort Myers Division until further order of the Court.

2. The matter is referred to the Chairperson of the Tampa-Fort Myers Grievance Committee pursuant to Local Rule 2.04(e)(1), (2).

**DONE AND ORDERED** at Fort Myers, Florida, this 24th day of January, 2006.

  
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**JOHN E. STEELE**  
United States District Judge

Copies:

Eleventh Circuit Court of Appeals

Hon. Patricia C. Fawsett

Hon. James D. Whittemore

All Fort Myers Division Judges

All Fort Myers Courtroom Deputies

Richard Creel, Esq.

Chairperson, Grievance Committee

Paul I. Perez, U.S. Attorney, M.D. Fla.

R. Fletcher Peacock, FPD, M.D. Fla.

Douglas Molloy, Chief U.S. Attorney, Fort Myers Div.

Martin Derovanesian, Supervising AFPD, Fort Myers Div.

L. Stoddard

J. Lyublanovits

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

IN RE: ATTORNEY RICHARD CREEL

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Case No. 2:06-mc-2-FTM-29

ACTION BY THE GRIEVANCE COMMITTEE  
AS A WHOLE

During a meeting of the Grievance Committee by conference call on September 27, 2007, the Preliminary Report dated September 24, 2007 was approved by a vote of 4 to 0 with 2 members absent.

  
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Edward K. Cheffy, Chair  
Grievance Committee, Fort Myers Division  
United States District Court  
Middle District of Florida