

High court overturns conviction based on lawyers advice

The Georgia Supreme Court has overturned the conviction of a woman whose lawyer advised her not to challenge a drug charge that was based on cocaine residue found on a dollar bill in her purse.

The 1989 cocaine possession case now returns to Superior Court in Gwinnett County, where Michele Yearwood Rollins was stopped by police on her 21st birthday and accused of driving under the influence.

In court, Rollins was not going to fight the DUI charge. But she contested the drug charge and asked her lawyer about the ramifications of pleading guilty. The attorney advised her there would be no repercussions because, under the First Offender Act, the conviction would remain under court seal.

Rollins, who is from Barbados, entered pleas to DUI and felony drug possession and completed three years on probation. More than a decade later, she graduated from the University of Georgia Law School in 2001 and applied for a job as a prosecutor in Florida.

However, the State Bar of Florida learned about her drug conviction and withheld her admission to the Bar. And when Rollins applied for citizenship, immigration authorities found out about the conviction and moved to have her deported.

Rollins then challenged the drug conviction.

The Supreme Court said Monday that if the lawyer had done basic research, he would have known better. The behavior fell well below an objective standard of the competence required for criminal attorneys in Georgia, the court determined.

Justice Leah Ward Sears noted that the court has refused to void convictions for a lawyers failure to inform a client about the consequences of a guilty plea.

This particular appeal does not involve counsels failure to inform, but rather concerns counsels affirmative act of giving misinformation in response to a clients specific inquiries, the unanimous ruling said.

Rollins, who lives in Florida and works in the real estate business, declined to comment. Her appellate lawyer, Abbi Taylor Guest of Decatur, noted that Rollins is now married to a U.S. citizen.

Im excited for her and for the other folks in her situation, Guest said. Someone should not have to suffer the consequences of their lawyer giving them incorrect information.