

COPY

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

FILED
THOMAS D. HALL

2007 MAY 24 A 11: 28

CLERK, SUPREME COURT

THE FLORIDA BAR,

Complainant,

v.

KELLY KATHRYN MCGRAW

Respondent.

Case No.

SC07-964

TFB File No: 2004-00,758(1A)

BY _____

THE FLORIDA BAR'S COMPLAINT

THE FLORIDA BAR, Complainant, files this Complaint against KELLY KATHRYN MCGRAW, Respondent, pursuant to R. Regulating Fla. Bar 3-3.2(b) and alleges:

1. Respondent is, and at all times material to this Complaint was, a member of The Florida Bar, admitted on April 22, 1988, and subject to the jurisdiction of the Supreme Court of Florida.

2. The First Judicial Circuit "A" Grievance Committee found probable cause pursuant to R. Regulating Fla. Bar 3-7.4 and the presiding member of the grievance committee has approved this Complaint.

3. On December 29, 2003, Respondent was arrested in Pensacola, Florida on felony charges of possession of cocaine, and criminal conspiracy to

commit a felony, in the State of Florida v. Kelly Katherine McGraw, Escambia Circuit Court Case No. 04-0010.

4. Respondent's felony arrest was made in conjunction with "Operation Sandshaker," a joint state and federal investigation, which resulted in the arrest of over 50 people for drug offenses on Pensacola Beach.

5. According to the arrest affidavit, between May 2002 and November 2003, Respondent called Jackie Seale, the primary cocaine dealer, 132 times from her cell phone, and he called her home 16 times from his cell phone during that 17 months.

6. Seale told investigators that Respondent purchased 2 "eight balls" of cocaine on eight separate occasions between September 2002 to September 2003.

7. Jeff Cary and Robert Murphy, two other federal defendants in the same drug trafficking case, corroborated Seale's statements. Cary stated that once he delivered cocaine to Respondent's home with Seale, and on three other occasions, she picked up cocaine left at his home by Seale.

8. Respondent's criminal case was transferred to a special prosecutor from Leon County, due to a conflict of interest with the Escambia County State Attorney's Office. In March 2005, Respondent entered into a Deferred Prosecution Agreement with the Leon County State Attorney's Office.

9. After completion of all the conditions of the Deferred Prosecution Agreement, Respondent's criminal case was nolle prossed by Leon County on April 12, 2006.

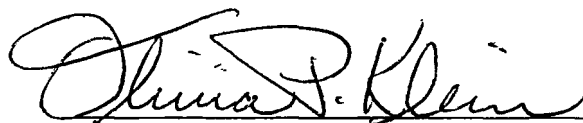
10. Respondent knew, or should have known, that she was engaging in criminal activity on numerous occasions prior to her arrest.

11. Since her arrest on December 29, 2003, Respondent has failed to enter into any good faith, ongoing, supervised rehabilitation with Florida Lawyers' Assistance.

12. By reason of the foregoing, Respondent has violated the Rules Regulating The Florida Bar, to wit: 3-4.3 (Misconduct and Minor Misconduct); 3-4.4 (Criminal Misconduct), 4-8.4(b)(A lawyer shall not commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer); 4-8.4(d)(Conduct Prejudicial to the Administration of Justice).

WHEREFORE, for the reasons noted above, The Florida Bar respectfully requests that Respondent be appropriately disciplined.

Respectfully submitted,



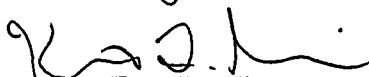
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of The Florida Bar's Complaint, regarding TFB File No. 2004-00,758(1A), has been forwarded by certified mail, return receipt requested # 7005 1160 0003 8805 1481, to Respondent, KELLY KATHRYN MCGRAW, at her record bar address of 216 Palafox Place, Pensacola, Florida 32501, on this 29th day of May, 2007.



KENNETH LAWRENCE MARVIN
STAFF COUNSEL

NOTICE OF TRIAL COUNSEL

PLEASE TAKE NOTICE that the trial counsel in this matter is OLIVIA PAIVA KLEIN, Bar Counsel, whose address is The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida 32399-2300. Prior to the appointment of a referee in this case, Respondent should file any pleadings with the Florida Supreme Court pursuant to R. Regulating Fla. Bar 3-7.6(g)(5)(A), and should serve copies of any pleadings, correspondence, etc., in this matter only to Bar Counsel and to Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, Florida, 32399-2300. After a referee has been appointed to this case, Respondent should refer to R. Regulating Fla. Bar 3-7.6(h)(5)(B).