

Faulk, Camilla

From: Juhl, John [jjuhl@co.snohomish.wa.us]
Sent: Tuesday, April 26, 2011 2:33 PM
To: Faulk, Camilla
Subject: Proposed Rule RPC 3.8

I am writing in opposition to the proposed rule RPC 3.8. The proposed rule goes far beyond requiring disclosure of evidence of innocence to the court and the defendant; it would impose a mandatory duty upon prosecuting attorneys to overturn prior convictions obtained by his or her office even if the prosecuting attorney does not believe the defendant is innocent. Significantly, the proposed rule does not provide for the procedural means necessary for compliance with this duty in our adversarial system. Imposing a new ethical obligation without providing the procedural means necessary for compliance with that obligation is obviously unfair. There are better alternatives to address the ethic issues faced by a prosecuting attorney who learns of evidence of innocence after a conviction. The proposed rule should not be adopted.

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