

DALLAS COUNTY DISTRICT ATTORNEY'S OFFICE ASSISTANT DISTRICT ATTORNEY DISCLOSURE POLICY

Prosecutors are administrators of justice who serve the public interest and should act with integrity and balanced judgement. Prosecutors should respect the constitutional and legal rights of all persons, including defendants. The Texas Code of Criminal Procedure Article 2.01 mandates: "It shall be the primary duty of all prosecuting attorneys...not to convict, but to see that justice is done. They shall not suppress facts or secrete witnesses capable of establishing the innocence of the accused."

The United States Supreme Court has held that information that tends to negate the guilt or mitigate the punishment of the accused must be made known to and disclosed by the prosecuting attorney to the accused. Failure to disclose can result in the reversal of a conviction and, for extreme violations of the rule, prosecution of violators. *Brady v. Maryland*, 373 U.S. 83, 87 (1963).

Additionally, timely disclosure of exculpatory, impeachment and mitigating information by the prosecuting attorney is also required under the "Michael Morton Act" (Texas Code of Criminal Procedure article 39.14). Article 39.14 contains no materiality provision for disclosing exculpatory or impeachment evidence.

Further, the Texas Disciplinary Rules of Professional Conduct defines the responsibilities of all lawyers and sets the standards for the practice of law. Specific to prosecutors, Texas Disciplinary Rule of Professional Conduct 3.09 requires prosecutors to refrain from prosecuting a case that the prosecutor knows is not supported by probable cause and making timely disclosure to the defense of all exculpating or mitigating evidence, among many other responsibilities.

It is the responsibility of each prosecutor employed by the Dallas County District Attorney's office to abide by the legal and ethical obligations set out by *Brady* (and its progeny), the Michael Morton Act, and the Texas Disciplinary Rules of Professional Conduct. Any substantiated violation of these obligations

or any instance of untruthfulness or deception regarding facts in a report, statement, investigation, hearing, or official proceeding by a prosecutor will be considered professional misconduct, and result in discipline and/or disclosure to defense counsel on cases handled by the prosecutor.

A violation will be considered “substantiated” if there is a documented judicial finding that a prosecutor has violated his/her obligations under *Brady*, the Michael Morton Act or the Texas Disciplinary Rules of Professional Conduct, or there are facts and circumstances that would lead a reasonable person to believe the same.



Honorable John Cruzot
District Attorney
Dallas County, Texas

5-26-20

Date