

FAIR CHANCE PROJECT

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Protecting the Human and Constitutional Rights of Those Impacted by the Prison System

LETTER TO GOVERNOR BROWN: PLEASE SIGN ASSEMBLY BILL 1909 (LOPEZ)

📅 September 26, 2016 (<http://fairchanceproject.com/articles/letter-governor-brown-please-sign-assembly-bill-1909-lopez>) 👤 Geri (<http://fairchanceproject.com/author/geri>)

August 30, 2016

The Honorable Edmund G. Brown Jr.

Governor

California State Capitol

Sacramento, CA 95814

RE: Assembly Bill 1909 (Lopez)

Dear Governor Brown:

The **Fair Chance Project** requests your signature on Assembly Bill 1909 (Lopez). This bill creates criminal penalties for bad-acting prosecuting attorneys that intentionally and in bad-faith withhold exculpatory evidence from the defense in violation of their ethical, state and constitutional duties

We are an organization developed and run by “liberated” Lifers. Most of us have been victims of prosecutorial abuse, in one case causing one of our Board members to have 28 years of freedom taken on a wrongful conviction case. The lack of significant oversight controlling the actions of prosecutors begs a corrective response.

The United States Supreme Court, in Brady v. Maryland, 383 U.S. 83 (1963), imposed a strict duty on all district attorneys to turn over all evidence in a case including evidence that will show that the accused did not in fact commit the crime for which he/she is charged. Prosecutors are officers of the court whose primary duty is to seek out the truth and not take a “win at all costs” approach. While the vast majority of prosecutors operate within the confines of the law, increasingly we are uncovering cases in which individual prosecutors have knowingly and intentionally violated their duty to disclose exculpatory evidence.

A report by the Veritas Initiative (https://veritasinitiative.files.wordpress.com/2015/10/prosecutorialmisconduct_exec_sum.pdf) out of Santa Clara Law School reviewed 10 years of prosecutorial misconduct occurring in California. This report showed that California courts repeatedly failed to take meaningful action when the court found that the prosecutorial misconduct was harmful to the defense. These bad-acting prosecutors that place their conviction rates above their duties to seek justice must be held accountable. Often times these ethical and constitutional violations results in the conviction and incarceration of innocent individuals.

AB 1909 would send a strong message to the small universe of bad-acting prosecutors that their impunity will no longer go unnoticed; this measure provides strong tools for oversight and accountability. For these reasons, Fair Chance Project requests your approval on Assembly Bill 1909.


Respectfully,


Geri Silva, Director ~ Fair Chance Project


CC: Asm. Patty Lopez, staff – Christopher.Sanchez@asm.ca.gov or *fax*: 916-319-2139


CC: Dennis Cuevas-Romero, Hernandez Strategy Group, dennis@hernandezstrategy.com


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