From: "Wold, Dave" <dwold@co.snohomish.wa.us>
To: 'Editor BradyCops.Org' <editor@bradycops.org>
Subject: RE: PRR - Brady - Giglio List - Washington State PRR 1406869
Date: Mon, 8 Dec 2014 19:56:48 +0000 (12/08/2014 02:56:48 PM)

Attached is our list of PID (Brady) officers. You will see the reference number for this request above PRR 1406869. Please refer to this number for any future correspondence.

We are closing the request at this time as fulfilled. Please acknowledge receipt of the attached document and this email.

Prosecutors are subject to two different requirements for disclosure of potentially exculpatory information. A constitutional Due Process requirement for such disclosure is set out in Brady v. Maryland, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1983). This requirement has been explained and modified by several subsequent cases. The Due Process requirement applies to all information in the hands of governmental agencies. Prosecutors have "a duty to learn of any [exculpatory] information known to the others acting on the government's behalf in the case, including the police." Kyles v. Whitely, 514 U.S. 419, 437, 115 S. Ct. 1555, 131 L. Ed. 2d 490 (1995). Failure to comply with these requirements can lead to reversal, and possibly even dismissal, of criminal convictions.

Independent of this requirement, prosecutors are required by CrR 4.7(a)(3) to "disclose any material or information within the prosecuting attorney's knowledge which tends to negate defendant's guilt as to the offense charged." This obligation is "limited to material and information within the knowledge, possession or control of members of the prosecuting attorney's staff." CrR 4.7(a)(4). Once, however, information is provided to the Prosecutor's Office by law enforcement agencies, that material becomes subject to disclosure under CrR 4.7(a)(3). A nearly identical, concurrent duty to disclose such information is also placed upon prosecutors by the Rules of Professional Conduct. RPC 3.8(d).

Both the requirements of Due Process and those of CrR 4.7 and RPC 3.8 apply to evidence that could be used to impeach witnesses. Under the Due Process Clause, the evidence must be "material" – that is, there must be "a reasonable probability that the suppressed evidence would have produced a different verdict." Strickler v. Greene, 527 U.S. 263, 281, 119 S. Ct. 1936, 144 L. Ed. 2d 286 (1999). In contrast, CrR 4.7 and RPC 3.8 requires disclosure of evidence that "tends to negate defendant's guilt," whether or not it is "material" under that definition.

As required by CrR 4.7 and RPC 3.8, this office will disclose to defense attorneys information that tends to negate the defendant's guilt. These requirements extend to any information that a reasonable person, knowing all relevant circumstances, could view as significantly impairing the credibility of an officer that will or may testify in a particular criminal proceeding. It also includes any evidence of criminal convictions that may be admissible under Evidence Rule 609. It does not require disclosure of preliminary, challenged, or speculative information. U. S. v. Agurs, 427 U.S. 97, 109 n. 16, 96 S. Ct. 2392, 49 L. Ed. 2d 342 (1976). This test will be referred to as the "Potential Impeachment Disclosure Standard" or "PID Standard."

The PID Standard depends on what a reasonable person could believe, not on what this office or a

law enforcement agency does believe. Consequently, disclosure may be required in cases where this office and/or the law enforcement agency believe that no misconduct occurred, if a reasonable person could draw a different conclusion. If this office concludes that an officer is subject to PID that does not reflect a conclusion that the officer committed misconduct or that the officer is not credible as a witness.

Dave H. Wold
Paralegal
Snohomish County Prosecutors Office
425/388-3527
FAX: 425/388-3572
dwold@snoco.org



SEE BELOW PAGE

| | A | B | C | D | E | F |
|---|---|---|---|---|---|---|
| 1 | Alaniz, David | 5/27/2009 | | | | |
| 2 | Boudreau, Wayne | 1/13/2004 | | | | |
| 3 | Brandt, Kenneth | 11/9/2009 | | | | |
| 4 | Brown, Theodore | 5/25/2006 | | | | |
| 5 | Burns, Mike | 2/21/2006 | | | | |
| 6 | Cook, Corey | 1/15/2009 | | | | |
| 7 | Dalton, Crystal | 9/16/2013 | | | | |
| 8 | Eby, Darryl | 5/13/2004 | | | | |
| 9 | Fifield Kevin | 10/26/2009 | | | | |
| 10 | Fontenot, David | 1/10/2014 | | | | |
| 11 | Fuller, Rick | 4/12/2004 | | | | |
| 12 | Fullerton, Todd | 1/19/2004 | | | | |
| 13 | Guthrie, Tam | 4/11/2000 | | | | |
| 14 | Kennedy, Frazer | 5/27/2009 | | | | |
| 15 | Leyda, Christopher | 6/29/2007 | | | | |
| 16 | Leyda, Christopher | 2/8/2012 | | | | |
| 17 | Lind, John | 3/9/2007 | | | | |
| 18 | Linnell, Vince | 5/27/2009 | | | | |
| 19 | Lyle, Anthony | 5/28/2003 | | | | |
| 20 | Malkow, Timothy | 6/12/2000 | | | | |
| 21 | McCahil, Frank | 7/31/2009 | | | | |
| 22 | Meldrum, Jeff | 6/22/2011 | | | | |
| 23 | Michelsen, Richard | 6/3/2008 | | | | |
| 24 | Mustacci, Brian | 5/3/2006 | | | | |
| 25 | Odegaard, Darrin | 7/13/2012 | | | | |
| 26 | Osbom, Brian | 10/22/2012 | | | | |
| 27 | Pckham, Tracy | 8/24/2012 | | | | |
| 28 | Phillips, Ryan | 4/25/2014 | | | | |
| 29 | Pruitt, Craig | 4/26/2002 | | | | |
| 30 | Reid, Christopher | 9/16/2013 | | | | |
| 31 | Ross, Gerald | 6/16/2005 | | | | |
| 32 | Sampaga, Jason | 5/8/2013 | | | | |
| 33 | Scott, Joshua | 5/5/2006 | | | | |
| 34 | Simpson, Christopher | 5/27/2009 | | | | |
| 35 | Snyder, Don | 9/1/2000 | | | | |
| 36 | Stapleton, Mikalijames | 2/14/2005 | | | | |
| 37 | Stevenson, Patrick | 4/30/2012 | | | | |
| 38 | Sundstrom, Brett | 5/4/2012 | | | | |
| 39 | Swank, Dallas | 5/27/2009 | | | | |
| 40 | Terrell, Jordan | 6/11/2010 | | | | |
| 41 | Tollefson, Lora | 6/12/2009 | | | | |
| 42 | Watkins, Paul | 3/27/2008 | | | | |
| 43 | Wellington, James | 10/11/2012 | | | | |
| 44 | White, Pat | 9/16/2013 | | | | |
| 45 | Wilsk, Ashley | 9/17/2010 | | | | |