



# Justice Dept. ensures prosecutors brush up on duties

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By **Brad Heath**, USA TODAY



By Gerald Herbert, AP

Sen. Ted Stevens, R-Alaska, leaves federal court in Washington, in 2008, after a guilty verdict was returned by the jury at his trial. The verdict was overturned months later when a judge found prosecutors hid evidence.

WASHINGTON — The Justice Department is taking steps to make sure federal prosecutors live up to their constitutional duty to turn over evidence to the people they charge with crimes.

Those changes followed the collapse last year of the government's corruption case against former Alaska senator [Ted Stevens](#).

The department dropped the case months after a jury found Stevens guilty, because the government conceded that prosecutors had hidden evidence that could have undermined the testimony of their star witness.

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As a result, Attorney General Eric Holder last year ordered all federal prosecutors to get a half-day of training in their duty to share evidence with defendants.

This year, he added a requirement that all prosecutors get two more hours of training every year. And he instructed every U.S. attorney's office to come up with written plans, due at the end of September, to help prosecutors figure out what evidence must be shared and when.

## Better access promised

For years, some prosecutors gave defense attorneys access to all the evidence in their files, while others — even in the same office — did not, said Andrew Goldsmith, whom Holder appointed to coordinate the effort. Goldsmith said the changes will give defendants better and more consistent access to evidence.

In 1963, the Supreme Court ruled that defendants have a constitutional right to know about evidence that could help prove their innocence.

A USA TODAY investigation identified 201 cases in which judges overturned convictions or faulted prosecutors for misconduct. Among those cases,

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failing to turn over evidence was the most common problem.

"Misconduct is absolutely unacceptable, and I think we have to do everything we can to train and provide adequate resources to our prosecutors," said Lanny Breuer, the head of the department's criminal division.

Jim Lavine, president of the National Association of Criminal Defense Lawyers, called the changes "a significant step in the right direction." But he said they have not stopped prosecutors from concealing evidence.

The defense lawyers association and others, including a handful of judges, have urged federal courts to revise their procedural rules to require more disclosure.

The rules now require prosecutors to turn over only evidence that could tip the outcome of a trial; the proposed change would require disclosure of all evidence favorable to the defendant.

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