

Veteran California PI John Demarr on New California Law Making it Tougher on Prosecutors Who Withhold Evidence

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John A. DeMarr P.I.
PRIVATE INVESTIGATORS

Orange County Private Investigator

/EINPresswire.com/ -- [John A. Demarr, P.I.](#) responds to the [new California legislation](#) providing for harsher penalties for prosecutors who withhold evidence from defense attorneys observes that this is a situation where it would be very beneficial to have a private investigator look into the facts of the case, interview all potential witnesses and indeed examine the very evidence the prosecution has in his or her possession.

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After a wave of misconduct scandals California has enacted a new law providing for harsher punishment for prosecutors who deliberately withhold evidence from defense attorneys.

The law, signed by Gov. Jerry Brown (D) over the weekend, bolsters a judge's ability to boot a prosecutor who withholds evidence from a case. Additionally, if other employees of the prosecuting attorney's office participated or sanctioned the suppression of evidence, the court is authorized to eject the

entire office. The law requires the court to report violations to the state bar, which licenses attorneys.

It already was against the law for prosecutors to willfully withhold evidence. Nevertheless, there has been a wave of highly publicized cases in which prosecutors have been accused of violating the rights of defendants, including in Riverside, Kern and Orange counties.

Deputy Public Defenders from many counties have consistently complained for years that county prosecutors have routinely violated the law for at least 30 years by selectively presenting evidence obtained from a jailhouse informant network. The Orange County District Attorney's office continues to face fallout from an ongoing scandal linked to a tainted jailhouse informant program. The allegations of misconduct culminated earlier this year, when Superior Court Judge Thomas Goethals ejected the entire county prosecutor's office -- all 250 prosecutors -- from a high-profile mass murder case. Goethals said at the time that the government had committed "significant" violations of due process and called aspects of the office's behavior a "comedy of errors."

Orange County District Attorney Tony Rackauckas has maintained that no one in his office intentionally behaved inappropriately. Nevertheless, some legal experts continue to call for a sweeping [federal investigation](#).

Susan Kang Schroeder, spokeswoman for the Orange County DA, told HuffPost that Rackauckas fully supports the new law. "Tony believes that if any prosecutor intentionally withheld evidence, not only should these sanctions happen, they should be disbarred," Schroeder said. "It's highly unethical behavior and there's no room for that in our office."

Erwin Chemerinsky, dean of law at the University of California, Irvine, had this to say to HuffPost: "The Constitution and professional ethics already require that prosecutors turn over exculpatory evidence," Chemerinsky said. "But violations are widespread. This provides additional sanctions for prosecutorial misconduct and hopefully an additional deterrent."

There often have been no consequences for California prosecutors caught cheating the system. According to a 2010 study from criminal justice reform group the Innocence Project, there were more than 700 California cases of prosecutorial misconduct from 1997 to 2009. Only six prosecutors in those cases were disciplined.

"Uncovering evidence that the prosecution possesses or possessed can be difficult," says John A. DeMarr, P.I., a licensed California private investigator since 1985, and president of John A. DeMarr Private Investigators <http://www.demarr.com>.

"Our 30 years of experience investigating facts, interviewing witnesses and reviewing evidence makes all the difference. Many times our expertise results in a successful outcome where less experienced private investigation firms have failed."

"Private investigators work closely with defense attorneys in cases like this, yet can also independently investigate suspected unlawful actions by prosecutors," says DeMarr.

John A. DeMarr, P.I., a well-known licensed private investigator in Huntington Beach, has provided consistently innovative process service and private investigation services over thirty years. His firm's services are reasonably priced, and always within the bounds of applicable law. Courts have upheld DeMarr's investigative techniques in securing evidence.

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