

This record is to give account for the events that occurred in Case: C1493022 on 10/24/15 in Department 42 (**Judge David Cena**)

If Deputy Public Defender Amanda Parks had proceeded to trial without contacting my witnesses, she would have been in violation of **Rule 5-220 (California Rules of Professional Conduct)**

## **Rule 5-220 Suppression of Evidence**

A member shall not suppress any evidence that the member or the member's client has a legal obligation to reveal or to produce.

Therefore, Amanda Parks needed to comply with: **Rule 3-700(b)(2)**. A member representing a client before a tribunal shall withdraw from employment with the permission of the tribunal, if required by its rules, and a member representing a client in other matters shall withdraw from employment, if: The member knows or should know that continued employment will result in violation of these rules or of the State Bar Act.

That is why **I needed to email her before the hearing to let her know that she did not do her job. & I needed to let her know specifically what she did wrong.**

**She was upset about this, but NOT because I did something wrong. This was because she did not do her job correctly.**

**If she DID TAKE CASE to trial, I would likely have lost because she did not produce the evidence that she was required to produce. If this had happened, I could have also used the same email to appeal the court decision because I would then be able to demonstrate that I lost the trial, NOT BECAUSE I WAS GUILTY OF VIOLATING PROBATION , but because MY ATTORNEY DID NOT PROVIDE ME WITH COMPETENT LEGAL REPRESENTATION.**

By the same token, the **prosecution also has their obligations:**

In Bagley, the Court expressed concern with “any adverse effect that the prosecutor’s failure to respond (with exculpatory evidence) might have had on the preparation of the defendant’s case.” 473 U.S. at 683, 105 S.Ct. at 3384. See also, Derden v. McNeel, 938 F.2d 605, 617 (5th Cir. 1991) (a reviewing court may consider any adverse effects the prosecutor’s failure to release information might have had on the defendant’s preparation and presentation of the case).

United States v. Bagley, 473 U.S. 667, 105 S.Ct. 3375, 87 L.Ed.2d 481 (1985)

**And the Judge has obligation pursuant to Canon 3(D)(2)**

**Canon 3(D)(2)**

(2) Whenever a judge has personal knowledge,\* or concludes in a judicial decision, that a lawyer has committed misconduct or has violated any provision of the **Rules of Professional Conduct**, the judge **shall take appropriate corrective action**, which may include reporting the violation to the appropriate authority

**The case has been transferred to the Palo Alto Court house with new prosecutor, new defense attorney and new judge.**

**Sincerely,**

**Cary-Andrew Crittenden**

**Victim of Malicious Prosecution |**

**Santa Clara County Superior Court Docket# C1493022**