

**COMPARATIVE TABLE:
Prosecutor's Responsibilities**

Former Texas Code of Prof'l Responsibility: Performing the Duty of Public Prosecutor or Other Government Lawyer pre-1990	Former ABA Model Code of Prof'l Responsibility: Performing the Duty of Public Prosecutor or Other Gov't Lawyer pre-1983	Current Texas Disciplinary Rule 3.09: Special Responsibilities of a Prosecutor 1990-present	Current ABA Model Rule 3.8: Special Responsibilities of a Prosecutor 1983-present
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<p>DR 7-103</p> <p>B. A public prosecutor or other government lawyer in criminal litigation shall make timely disclosure to counsel for the defendant, or to the defendant if he has no counsel, of the existence of evidence, known to the prosecutor or other government lawyer, that tends to negate the guilt of the accused, mitigate the degree of the offense, or reduce the punishment.</p> <p>EC 7-13 ... With respect to evidence and witnesses, the prosecutor has responsibilities different from those of a lawyer in private practice: the prosecutor should make timely disclosure to the defense of available evidence, known to him, that tends to negate the guilt of the accused, mitigate the degree of the offense, or reduce the punishment. Further, a prosecutor should not intentionally avoid pursuit of</p>	<p>DR 7-103</p> <p>B. A public prosecutor or other government lawyer in criminal litigation shall make timely disclosure to counsel for the defendant, or to the defendant if he has no counsel, of the existence of evidence, known to the prosecutor or other government lawyer, that tends to negate the guilt of the accused, mitigate the degree of the offense, or reduce the punishment.</p> <p>EC 7-13 ... With respect to evidence and witnesses, the prosecutor has responsibilities different from those of a lawyer in private practice: the prosecutor should make timely disclosure to the defense of available evidence, known to him, that tends to negate the guilt of the accused, mitigate the degree of the offense, or reduce the punishment. Further, a prosecutor should not intentionally avoid pursuit of</p>	<p style="text-align: center;">The prosecutor in a criminal case shall:</p> <p>(d) make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense and to the tribunal* all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal;</p> <p>* emphasis added</p>	<p style="text-align: center;">The prosecutor in a criminal case shall:</p> <p>(d) make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense and to the tribunal* all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal;</p> <p>*emphasis added</p>
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