

Advisory Opinion 1984-10

QUESTION:

Whether the information sheet to be released to news media would be acceptable and not in violation of Rule 7-107 dealing with trial publicity.

OPINION:

Save and except for reasons of dismissal of criminal cases, all information contained within the information sheet are matters of public record and could be obtained by news media merely by reference to said public record. Rule 7-107(a)(1) would apply to all aspects save and except for reasons given for dismissal of criminal cases.

I feel the information sheet would be adequate if reasons for dismissal were not included. This opens the door for a District Attorney to inadvertently give the wrong impression, wrong reasons, or make implications that may or may not be correct. I feel that the general scope of Rule 7-107 would preclude the District Attorney from giving any reasons in this nature for dismissal. However, I recognize the fact that the general public would like to know why many cases are dismissed. It would be necessary that the District Attorney be extremely circumspect in how he answered these by giving general reasons without going into specifics. There are a multitude of reasons for dismissing cases that are required by law or by factual posture of the cases. Too often when a case is dismissed by reason of factual posture, it gives rise to speculation and controversy as to the rightness or wrongness of the reasons for dismissing on a factual posture basis. The less said, the better. Rule 7-107(b)(6) could be too easily violated for giving such reasons, especially if there are other charges pending against a Defendant.