**ARGUMENT #1 [Written and won by an OPD Attorney]**

1. **THIS COURT HAS THE AUTHORITY TO ORDER SANCTIONS AGAINST THE STATE PURSUANT TO CR 11 AND ITS INHERENT AUTHORITY.**

Various court rules allow for the imposition of sanctions. E.g., CR 11, CR 26(g), CrR 4.7(h)(7). Sanctions, including attorney fees, may also be imposed under the court’s inherent equitable powers to manage its own proceedings. *State v. Gassman*, 175 Wn.2d 208, 211, 283 P.3d 1113 (2012) (citing *In re Recall of Pearsall-Stipek*, 136 Wn.2d 255, 266-67, 961 P.2d 343 (1998).

1. **The Court Should Sanction the State Pursuant to CR 11 because it Filed a Witness List that was Not Well Grounded in Fact, Not Warranted by Law, and For an Improper Purpose.**

CR 11 allows a trial court to issue sanctions if a pleading or other filing:

(1) is not well grounded in fact;

(2) is not warranted by existing law "or a good faith argument

for the extension, modification, or reversal of existing law"; or

(3) it is "interposed for any improper purpose, such as to harass

or to cause unnecessary delay or needless increase in the cost

of litigation."

The purpose behind the rule is to deter "baseless filings, not filings which may have merit. *Bryant v. Joseph Tree, Inc.*, 119 Wn.2d 210, 220, 829 P.2d 1099 (1992). As interpreted by the Washington State Supreme Court, CR 11 distinguishes between two types of "baseless" filings: those which are not both well-grounded in fact and warranted by law, and those "interposed for any improper purpose.” *Id*. at 217.

1. **The State’s witness list is not well grounded in fact because the State knew the defendant was not involved in the homicide that took place the same day. The witness list for that homicide was not warranted by law for this case and was filed vindictively.**

Courts must evaluate whether an attorney’s inquiry into the law and the facts was reasonable and at a minimum, CR 11 requires attorneys to undertake a reasonable inquiry into the facts and the law before filing any pleading. The rule “requires attorneys to stop, think, and investigate more carefully before serving and filing papers.” *Bryant v. Joseph Tree*, 119 Wn. 2d 210, 219, 829 P.2d 1099 (1992) (quoting FED. R. CIV. P. 11 advisory committee note, 97 F.R.D. 165, 192 (1983)). It was intended to deter the “shoot-first-and-ask-questions-later” approach to the practice of law. *Watson v. Maier*, 64 Wn. App. 889, 898, 827 P.2d 311 (1992). Washington courts evaluate the reasonableness of the attorney’s filing inquiry under the objective standard of “‘reasonableness under the circumstances.’” *Bryant*, 119 Wn. 2d at 220 (citing FED. R. CIV. P. 11 advisory committee note, 97 F.R.D 165, 198 (1983)). In making this determination, the courts may consider such factors as:

[T]he time that was available to the signer, the extent of the attorney’s reliance upon the client for factual support, whether a signing attorney accepted a case from another member of the bar or forwarding attorney, the complexity of the factual and legal issues, and the need for discovery to develop factual circumstances underlying a claim. *Id*. at 220–21.

Here, the State filed a witness list knowing the defendant was not even a suspect in the homicide and it was therefore not well grounded in fact. In fact, the defendant was interviewed by the police on December 10, 2019 and December 14, 2019 and ruled out as a suspect. The State made no efforts to narrow down the witness list when requested to do so. Instead, he left defense and their investigator to attempt to locate and interview nearly two hundred witnesses that had nothing to do with the defendant’s charges.

This was a vindictive “shoot-first-and-ask-questions-later” approach by The State. When the prosecutor filed his first witness list, he knew that the defendant was not involved in the homicide. When asked to pare down his witness list, he filed a 1st Amended Witness List adding an additional 83 witnesses, none of whom were witnesses for the defendant’s case. The State has abused its powers by attempting to needlessly increase the cost of litigation and cause unnecessary delays and should be sanctioned for its abusive actions.

1. **The witness list filed against the defendant was filed for an improper purpose because the State sought to bury the defense in needless discovery to gain an advantage at trial and increase the litigation costs.**

CR 11 sanctions are appropriate if the pleading is filed for an improper purpose. *Biggs v. Vail*, [124 Wn.2d 193](https://apps.fastcase.com/Research/Pages/Document.aspx?LTID=9u8mmKsdqtIIQ2bVGqFXdaGnUxu2Q1b3uEEGOmRiNIjjSZODzXTHeOPP2djrUiqLHH1LcT5BD5yTiHe5GZNekmALTGoZK3D7a777ClZ6ERwqDVumN6jr%2b2NqqZKbgs4VnEqMEZdwMHV%2bxCn%2fg1ob0zNcDTDx9JxkdH8mnkai6flYkuAI0bPkbX3S1D%2bSGCAQ&ECF=Biggs+v.+Vail+%2c+124+Wn.2d+193), 197, [876 P.2d 448 (1994](https://apps.fastcase.com/Research/Pages/Document.aspx?LTID=9u8mmKsdqtIIQ2bVGqFXdaGnUxu2Q1b3uEEGOmRiNIjjSZODzXTHeOPP2djrUiqLHH1LcT5BD5yTiHe5GZNekmALTGoZK3D7a777ClZ6ERwqDVumN6jr%2b2NqqZKbgs4VnEqMEZdwMHV%2bxCn%2fg1ob0zNcDTDx9JxkdH8mnkai6flYkuAI0bPkbX3S1D%2bSGCAQ&ECF=876+P.2d+448+%281994%29)). A CR 11 sanction is not a judgment on the merits of an action. "Rather, it requires the determination of a collateral issue: whether the attorney has abused the judicial process, and, if so, what sanction would be appropriate." *Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 396, 110 S.Ct. 2447, 110 L.Ed.2d 359 (1990) (superseded by statute on other grounds).

1. **The Court Should Exercise its Inherent Authority to Sanction the State to Discourage Future Abuses of its Power.**

“Every court of justice has power … [t]o enforce order in the proceedings before it, … [and][t]o provide for the orderly conduct of proceedings before it.” RCW 2.28.010(2)-(3). “When jurisdiction is … conferred on a court or judicial officer all the means to carry it into effect are also given[.]” RCW 2.28.150

Where sanctions are not expressly authorized, “the trial court is not powerless to fashion and impose appropriate sanctions under its inherent authority to control litigation.” *In re Firestorm 1991*, 129 Wn.2d 130, 139, 916 P.2d 411 (1996) (applying principles embodied in CR 11, CR 26(g), and CR 37 to Cr 26(b) violations.) “[D]ecisions either denying or granting sanctions … are generally reviewed for abuse of discretion.” *Physicians Ins. Exch. & Ass’n v. Fisons Corp.*, 122 Wn.2d 299, 338, 858 P.2d 1054 (1993). But the “choice of sanctions remains subject to review under the court’s inherent authority applying the arbitrary, capricious, or contrary to law standard of review.” *Butler v. Lamont Sch. Dist.*, 49 Wn.App. 709, 712, 745 P.2d 138 (1987).

In *State v. S.H.*, the trial court monetarily sanctioned the King County Public Defender Association for failing to enter into a diversion agreement “as expeditiously as possible” as required by RCW 13.40.080(1). *State v. S.H.,* 102 Wn.App. 468, 8 P.3d 1058 (2000). The trial court found this action sanctionable because the defendant didn’t move for a diversion agreement until the day of trial causing the State to expend resources to prepare for trial, including State’s witnesses being present on the day of trial. *Id*. at 471-472. The Judge admonished the public defender saying “[she] did not want this to become the way that defense counsel operate.” *Id*. at 472. Division I found that the trial court had the inherent authority to sanction and did so appropriately to discourage future abuses. *Id*. at 478.

In *State v. Gassman*, the trial court imposed sanctions against a prosecutor for amending a criminal information on the first day of trial, which changed the date of violation causing the defendant an inability to present an alibi defense. *State v. Gassman*, 175 Wn.2d 208, 209, 283 P.3d 1113 (2012). The court allowed the amendment but sanctioned the prosecutor stating its conduct was “careless” and the $2,000 awarded was to compensate defense counsel for the extra time he would spend dealing with the alibi issue. *Id*. The Court of Appeals affirmed the sanction, but the Washington Supreme Court held that while the court had the inherent authority to sanction, the sanction must be supported by a record showing “some conduct equivalent to bad faith”. *Id*. at 211. The sanction was reversed because the record supported a finding that the State’s conduct was careless, but not purposeful, and there was no basis from the record for the court to infer bad faith or conduct tantamount to bad faith. *Id*. at 212.

Here, as in *State v. S.H.* and *State v. Gassman*, the court has the authority to sanction pursuant to statute and applicable case law. The court’s rationale for imposing sanctions against the Public Defenders Association in *State v. S.H*. was to discourage future abuses, which is exactly what this court should hope to discourage in imposing a sanction against the State in the defendant’s case. The State filed a witness list and continued to provide ongoing discovery knowing that only 8% (possibly) of the witnesses listed were relevant to the defendant’s case and the many hours reviewing irrelevant discovery should be discouraged by this Court.. It did so for the sole purpose of its coercive effect of forcing defense to review, investigate and spend an exorbitant amount of time to effectively defend the defendant. When the State’s motive is to bury the evidence and get an upper hand in litigation (including increased litigation costs), its motive is improper and its actions are taken in bad faith.

Unlike *State v. Gassman*, the State cannot say this was careless. This was a purposeful tactic taken by the State as exhibited by the State’s efforts in their First Amended Information after being asked to pare down the first witness list. The State cannot use its prosecution powers to overburden defense through the criminal justice system.

1. **SANCTIONS ARE APPROPRIATE BECAUSE THE STATE ACTED IN BAD FAITH IN FILING THE WITNESS LIST AGAINST THE DEFENDANT.**

While an express finding of bad faith is not required, a finding of bad faith is sufficient for sanctions. *State v. Gassman,* 175 Wn.2d 208, 211, 283 P.3d 1113 (2012)(citing *State v. S.H.*, 102 Wn.App. 468, 474, 8 P.3d 1058 (2000)). The sanction must be based on a finding of conduct that was at least “tantamount to bad faith.” *Id.* Division I of the Court of Appeals has held that a finding of inappropriate and improper is tantamount to a finding of bad faith. *Wilson v. Henkle,* 45 Wn.App. 162, 175, 724 P.2d 1069 (1986). Division I also flushed out the issue of bad faith noting the appropriateness of sanctions, “if an act affects ‘the integrity of the court and, [if] left unchecked, would encourage future abuses.’” And “if ‘the very temple of justice has been defiled’ by the sanctioned party’s conduct.” *State v. S.H.* at 475 (citing *Gonzales v. Surgldey*, 120 N.M. 151, 899 P.2d 594, 600 (1995), *Chambers v. NASCO, Inc.*, 501 U.S. 32, 46, 111 S.Ct. 2123, 115 L.Ed.2d 27 (1991) and *Goldin v. Bartholow*, 166 F.3d 710, 723 (5th Cir. 1999)).

Black’s Law Dictionary defines Bad Faith as follows:

**Bad Faith**. The opposite of “good faith,” generally implying or involving actual or constructive fraud, or a design to mislead or deceive another, or a refusal to fulfill some duty or some contractual obligation, not prompted by an honest mistake as to one’s rights or duties, but by some interested or sinister motive. Term “bad faith” is not simply bad judgement or negligence, but rather it implies the conscious doing of a wrong because of dishonest purpose or moral obliquity: it is difficult from the negative idea of negligence in that it contemplates a state of mind affirmatively operating with furtive design or ill will. *Slath v. Williams*, Ind. App., 367 N.E.2d 1120, 1124. 127 (5th ed. 1979).

Here, there is a mountain of evidence that the State’s original witness list as well as the First Amended Witness list (filed a month ago) and ongoing discovery unrelated to the defendant’s case was filed and sent to defense in bad faith. It should be noted that it appears a majority of the homicide discovery has been provided to defense for irrelevant reasons. In addition, the defense has received an additional 47 CD’s and 2 thumb drives with over 100 hours in time to review that irrelevant discovery. The State knew he was not a suspect in the homicide/shooting early on, which should have stopped the still ongoing passage of unrelated discovery to defense and requires an appropriate witness list be filed with actual witnesses that would be called by the State. A prosecutor must act impartially and here, the State filed the witness list in bad faith because it had an interest in gaining the upper hand in litigation, increasing costs for defense and wasting the Court’s time. As such, sanctions are appropriate to compensate the defense and the Office of Public Defense for having to defend himself against the State’s abuse of its prosecution powers.

1. **THE APPROPRIATE SANCTION AMOUNT IS $15,850.00 FOR ATTORNEYS FEES/INVESTIGATION.**

Once a court determines that a filing is sanctionable, it must determine both the appropriate sanction and on whom to levy it. Factors relevant to the proper quantity of the sanction include whether the party seeking sanctions gave the other party an opportunity to mitigate the harm done, and whether the proposed sanction amount is the minimal necessary to achieve the deterrent purpose of CR 11. *MacDonald v. Korum Ford*, 80 Wn. App. 877, 891, 912 P.2d 1052 (1996) (discussing requirement of early notice to offending party to allow it to mitigate harm); and *Biggs v. Vail*, 124 Wn.2d 193, 197,876 P.2d 448 (1994) (*Biggs II*) (noting that "[i]n deciding upon a sanction, the trial court should impose the least severe sanction necessary to carry out the purpose of the rule"). The rule gives the trial court "broad discretion in determining who should be sanctioned," a court would abuse that discretion if it imposed the sanction on a person or entity that was not responsible for the frivolous filing. *In re Cooke*, 93 Wn. App. 526, 529, 969 P.2d 127 (1999).

Here, I have spent an addition 56 hours in defense work and investigation due to the actions of The State’s disclosure of irrelevant discovery and irrelevant witnesses on the witness list filed with the court. I charge $250 per hour, which equates to $14,000 in time I could have spent on a private case but was taken away from. It should be noted that I was compensated approximately $680 from the Office of Public Defense to be appointed to this case (which is not included in the $14,000). Also not included in the additional hours, is time spent on the actual relevant discovery. Defense would forgo the payment of these sanctions should the Court require the State to complete 30 hours of court approved Ethics CLE’s, a certification that he has read and understands the Washington Legal Ethics Deskbook -including the actions he has taken in this case that were inappropriate and that he not be able to practice before the Franklin County Superior Court until he has certified he has completed these tasks.

The Office of Public Defense has expended $1,850 on investigation with additional fund request pending to complete the actual relevant interviews remaining. We request a full sanction for this amount to be paid directly to the Office of Public Defense within 30 days.

We also request the Court order the State to provide a witness list of actual witnesses they intend to call at trial. In the addition, we request the Court exclude all witnesses not highlighted and circled on the attached State’s 1st Amended Witness List. (Exhibit B)

**CONCLUSION**

Sanctions are reserved for egregious conduct. *Biggs v. Vail*, 124 Wn.2d 193, 876 P.2d 448 (1994). Here, the trial court can find egregious conduct based on the foregoing and sanctions are respectfully requested.

**CASE LAW AND LEGAL ARGUMENT #2**

1. ***DISCOVERY CrR 4.7: Motion* To *Dismiss, Suppress, or Compel***

The Prosecution Has an Obligation to Make Discovery Available in a Timely Manner

Pursuant to CrR 4.7 defense submitted multiple discovery demands, both orally and in writing; informal and formal; personally, and via other/prior attorneys. The State has unreasonably denied these discovery demands for two years, now with my being the 4th appointed attorney.

Under the Sixth Amendment to the United States Constitution and Article I, § 22 of the Washington State Constitution, criminal defendants are guaranteed the right to counsel. To provide a constitutionally adequate representation, a criminal defendant's counsel must "at a minimum, conduct a reasonable investigation enabling ... informed decisions about how to best represent [the] client." *Personal Restraint of Brett,* 142 Wn.2d 868, 873 (Wash. 2001) (quoting *Sanders v. Ratelle,* 21 F.3d 1446, 1456 (9th Cir. 1994) (citing *Strickland v. Washington,* 466 U.S. 668, 684-86, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984))). The Washington State Supreme Court has codified this right in part in Superior Court Criminal rule CrR 4.7(a)(1).

Washington Criminal Rule CrR 4.7(a)(1) requires that the prosecution provide the defense with any written or recorded statements and the substance of any oral statements of witnesses that the prosecuting authority intends to call for trial. Additionally, under CrR 4.7, the prosecution is *required to provide full discovery to the defense by omnibus.* This used to be a set 21 days from arraignment. Now Superior Court Local Rule 4.5, omnibus is set for *4 weeks from arraignment.* This would also apply when a new attorney was appointed, or when a discovery demand is made.

In this case, THE DEFENDANT originally had OPD attorney ATTORNEY #1, who now works for the State as a deputy prosecutor. Arraignment was held on January 15, 2019. This defense attorney does not have information as to when initial discovery was provided to ATTORNEY #1, or whether full discovery, or only partial discovery was provided to him. However, due to ATTORNEY #1 leaving OPD and moving into working for the State, ATTORNEY #2 was appointed to this case for THE DEFENDANT in June 2019. ATTORNEY #2 was never provided full discovery, and in fact, The State told ATTORNEY #2 that there was no audio, and no recordings for this case. Omnibus was satisfied with the State filing the record that all discovery had been provided to ATTORNEY #2. ATTORNEY #2 also did not receive any discovery as to count 2 for the bail jumping on 4/30/2019; which should have included the potentially exculpatory DOC information given to the State that they had arrested him on April 29, 2019, for refusing to violate a Pierce County Superior Court Judge's Order.

The case was then conflicted to ATTORNEY #3 in January 2020; who also was not every provided any recordings of the alleged phone calls, or interviews with the defendant related to count 1 charged for October 2018; nor any information relevant to the count 2 of bail jumping. After the State filed Count 3 for Dec. 17, 2019, presumably for the appearances at the telephonic hearing, The State did not provide ATTORNEY #3 with any discovery for Count 3 at any time either. Finally, ATTORNEY #4 was appointed as conflict counsel on August 11, 2020. As of October 28, 2020, despite repeated oral, written, formal and informal requests, The State adamantly, deliberately, and inexplicably refuses to provide discovery of the recorded calls and recorded interviews related to count 1. The State has provided **NO** discovery related to counts 2 or 3. Now the recording clerk related to the hearing (which ATTORNEY #4 can only presume is the basis for the charges of count 3 based upon the date of the charge) has retired and ATTORNEY #4 has been unable to get the transcript for the hearing dated December 17, 2019.

Allowing access to written and recorded statements of witnesses "fosters the goal of preventing surprise, which could cause trial disruption and further continuances of the trial." *State*

*v. Yates,* 111 Wn.2d 793, 798 (Wash. 1988). In *Yates,* the State Supreme Court held that the defense had an obligation to provide access to the written and recorded statements of State's witnesses obtained by the defense. *Id.* Implicit in this holding is the prosecution's even greater obligations to provide full discovery to the defense. In *State v. Nelson,* the Court of Appeals discussed the purpose of Washington's discovery rules: The purpose of the rules is to prevent last­ minute surprise with its trial disruption and continuances; they encourage early disposition through negotiations and ultimately benefit the public in the saving of unnecessary expense. 14 Wn. App. 658, 664 (1975). In *Yates,* the Supreme Court further clarified that the rules of discovery are designed to enhance the search for truth in both civil and criminal litigation." 111 Wn.2d at 798.

Dismissal is an Appropriate Remedy For The Arbitrary Government Actions Here

Although the prosecution has recently twice indicated to this court that discovery would be or had been provided to defense, both times the State intentionally mislead this Court, on the record. Dismissal of prosecution is appropriate under CrR 8.3(b) or 4.7(7) where arbitrary action or governmental misconduct and prejudice affecting the defendant's right to a fair trial can be shown. *See e.g. State v. Dailey,* 93 Wn.2d 454,457 (1980); *State v. Wilson,* 149 Wn.2d 1, 12, 65 P.3d 657 (2003). The Washington Supreme Court has indicated that dismissal is an "extraordinary remedy" to be used as a "last resort," but dismissal may be appropriate based on simple mismanagement under CrR 8.3. *Wilson,* 149 Wn.2d at 12. To justify dismissal, the governmental misconduct "need

not be of an evil or dishonest nature; simple mismanagement is sufficient." *Wilson,* 149 Wn.2d at 9, *(quoting State v. Michie/Ii,* 132 Wn. 2d 229, 244, 937 P.2d 587 (1997)); *Dailey,* 93 Wn.2d at 457. Whether the mismanagement is on the part of ***law enforcement*** involved ***or the prosecution or both,*** intentional or unintentional, it is governmental misconduct and prejudices the defense. *See*

*e.g. State v. Blackwell,* 120 Wn.2d 822, 832, 845 P.2d 1017 (1993); *State v. Koerber,* 85 Wn. App.

1, 4,931 P.2d 904 (Wash. Ct. App. 1996).

The defense here is extremely prejudiced by the governmental mismanagement. The prosecution, in addition to its obligation to provide discovery to the defense within the time limit of court rules, it is also obligated to bring an out-of-custody defendant to trial within ninety days of the commencement date. CrR 3.3(b)(2). Between the government branch of the Department of Corrections (DOC) interference with THE DEFENDANT's ability to attend his court hearings in this County, and the State's ongoing, recurring increasing of his bail, and filing warrants; THE DEFENDANT has spent additional weeks, if not months, incarcerated for this case, having an unjustified loss of his constitutional right to liberty, and loss of his right to speedy trial due to both the unjust incarcerations and the lack of discovery. Moreover, THE DEFENDANT could not go to trial previously if he wanted to, because discovery has yet to ever be completed, and DOC refused to allow his travel to this County regularly. When DOC did allow it, he had to return the same day, so that he was unable to meet with his attorney to discuss his case or trial strategy. Between the State and DOC, the State/Government keeping THE DEFENDANT locked up, and keeping discovery from his attorney, no one has been able to even investigate his case for the past two years on his behalf!

Exclusion Could be an Alternative To Dismissal

Washington courts have allowed exclusion of a witness' testimony as a less extreme remedy than dismissal as an alternative sanction for discovery violations. *State v. Wilson,* 149 Wn.2d 1, 12, 65 P.3d 657 (2003). Dismissal may not be justifiable when suppression of evidence will eliminate whatever prejudice is caused by the action or misconduct. *State v. Garza,* 99 Wn. App. 291, 295 (2000) *(citing State v. Orwick,* 113 Wn.2d 823,831; 784 P.2d 161 (1989)). Although dismissal with prejudice would potentially constitute a more judicially efficient remedy for the outrageous, deliberate, inexcusable, and unexplainable prosecutorial and DOC misconduct here, the court could order suppression of all testimony related to the recorded calls, and the recorded calls themselves that have been intentionally and deliberately withheld from defense for 2 years.

If the Court Does Not Dismiss Or Suppress, The Court Must Compel the Production of Discovery

If the Court should determine dismissal is not appropriate despite the pervasive, intentional

and flagrant misconduct of the State on this case, defense requests suppression of the evidence and any related testimony about it. If the Court does not suppress the recordings that have been kept from defense for the past 2 years and all related testimony to those recordings, including alleged voice identification, and other statements about the recorded calls that defense has never had in its possession, it will be unconscionable. However, should that occur, defense moves this Court to order the State to compel production of all recorded interviews, phone calls, and any other missing discovery related to all charges within the next 5 busines days. Further, if not received by the end of the 5th business day, the Court should hold, said evidence will by default be suppressed, or the case dismissed with prejudice for the additional intentional disregard for the Court's order, and for ongoing discovery violations.

**CrR 4.7(7) Sanctions:** "(i) If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with an applicable discovery rule or an order issued pursuant hereto, the court may order such party to permit the discovery of material and information not previously disclosed, grant a continuance, ***dismiss the action*** or enter such other order as it deems just under the circumstances. (ii) ***Willful violation by counsel of an applicable discovery rule*** or an order issued pursuant thereto ***may subject counsel to appropriate sanctions by the court."***

RPC 3.8(d) requires that prosecutors 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." The Rules of Professional Conduct also state that a lawyer shall not "fail to make a reasonably diligent effort to comply with a legally proper discovery request by an opposing party." RPC 3.4(a), (d). The provisions of RPC 3.4 make it clear that a prosecutor must exercise due diligence in complying with discovery obligations. Here, the State has behaved unethical and in egregious violation of both the discovery rules, and the RPCs on this case in his intentional and ongoing refusal to provide discovery to multiple attorneys, over a period of two years.

Deputy Prosecuting Attorney JERK should be personally sanctioned for his outrageous conduct and repeated refusal to provide discovery. He has behaved as if the $0.53 cents the CD costs the County comes directly out of his paycheck. Moreover, he should be personally sanctioned for his brazen disregard for the reputation and integrity of the criminal justice system, this Court, and his fellow Deputy Prosecutors, whom he allowed, or worse, encouraged, to make absolutely false statements on the record, to this Court, that he had provided or would provide discovery to **ATTORNEY #4**. The State has demonstrated a total disregard for the appearance of the integrity of the County Prosecutor's Office, and criminal justice system as a whole, the other covering DPA's, and his own reputation. Whether the State has a personal vendetta against this defendant, or is just in a bad mood is completely irrelevant. This Court must demonstrate to him by way of sanctions that this purposeful, repetitive, intentional, immature, disrespectful and completely unprofessional behavior, although apparently sanctioned in his office, will not be tolerated by this Court.