

CONCLUSION

IPM - INTENTIONAL PROSECUTOR MISCONDUCT BY S. FULLER OF "IGNORING THE FACTS AND RELYING ON PREJUDICE. IT WAS A DISHONEST WAY TO REPRESENT THE STATE, AND IT WAS ESPECIALLY DISHONEST WHERE THE EVIDENCE OF [R. BURKETT'S] INSANITY WAS SUBSTANTIAL, AND WHERE THE STATE HAD NO EVIDENCE THAT [M. VODEN] HAD FABRICATED A [JUSTIFICATION] DEFENSE." STATE V. HUGHES, 193 ARIZ. 72, 86-88 (1998); STATE V. JORGENSEN, 198 ARIZ. 390, 391-393 (2000). "WE CONDEMNED THIS 'WIN-BY-ANY-MEANS STRATEGY' TO WIN THE CASE AND PREVENT AN ACCIDENT." Id. "THE DOUBLE JEOPARDY CLAUSE BARS RETRIAL FOLLOWING IPM DESIGNED TO SECURE A CONVICTION THROUGH THE CONCEALMENT OF EXCULPATORY EVIDENCE." COMMONWEALTH V. SMITH, 532 Pa. 177, 180-181, 615 A.2d 321, 322-23 (1992). JORGENSEN, SUPRA 392.

RESPECTFULLY SUBMITTED THIS 12th DAY OF APRIL, 2018.

Michael A. Voden

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