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January 11, 2018

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SUSAN SABENS
ADMINISTRATIVE SECRETARY

LIZ HEBERT
SUPPORT SECRETARY



To: Defense Counsel with Active Washington County Criminal Cases

Re: **Prior Offers of Resolution**

Dear Counsel:

Initial review of pending cases has revealed concerns over the content, structure, and basis of some proposed offers for resolution in pending criminal cases. Accordingly, effective this date, all offers made on or prior to November 13, 2017 are hereby rescinded. Additionally, all offers on felony dockets made prior to January 9, 2018 are also rescinded. This does not extend to cases where binding Rule 11 agreements have been entered, assuming that all statutory rights and notifications concerning victim participation have been satisfied.

The State will honor agreements where a defendant has acted in reliance upon the State's representations or offer, including but not limited to situations where a defendant has scheduled a change of plea and ceased further trial preparation, completed a psycho-sexual evaluation in support of an agreement, or cooperated with law enforcement as part of an agreement. The State recognizes situations where other ethical, legal, and moral considerations may necessitate an obligation to honor agreements and will thoroughly review any such situations on a case by case basis.

The rescission of offers does not represent a substantive change in policy, and should not be interpreted as a shift toward a harsher or more lenient sentencing philosophy. Rather, this decision is made in hope of furthering consistency in outcomes, and to ensure fairness and appropriate resolutions based on the merits of each case.

I am looking forward to working with all of you during this interim period, and hope that office's recent challenges do not adversely impact the due administration of justice. Thank you.

Very Respectfully,

A handwritten signature in black ink, appearing to read "Rory T. Thibault".

Rory T. Thibault
State's Attorney (Interim)