

# In Defense of the Prosecution

*The Los Angeles District Attorney goes after one of his own*

LOS ANGELES—The final week of last October was about the worst possible time for Los Angeles County Deputy District Attorney Wendy Widlus's misconduct to come to the attention of her boss.

During that week, the jailhouse informant scandal suddenly made headlines, and District Attorney Ira Reiner was embarrassed by unflattering reports that wily inmates had obtained favors in exchange for false testimony against

criminal defendants. Reiner had just promised an investigation and defended the integrity of his office.

So when Reiner read—in a court of appeals opinion, no less—that Widlus had withheld evidence during a trial, he reacted swiftly. Even though the prosecutorial misconduct condemned by the Second District Court of Appeal in *People v Brown*, 207 CA3d 741, had taken place three years earlier, and even

though both the State Bar and the district attorney's office determined after separate investigations that Widlus should not be disciplined, Reiner vowed to fire her.

Six months later, Reiner's office grudgingly settled for suspending Widlus for 30 days without pay.

In 1986 Widlus obtained a first-degree murder verdict against Titus Lee Brown after she told the jury that Brown killed a man during the course of a robbery. But Widlus knew something the jury and the defense didn't—that the gold chain and wallet allegedly stolen from the victim had apparently been returned to a relative by someone at the hospital where the victim was taken.

"We find the conduct of the prosecutor in this case to be totally inimical to the interests of justice," said the appeals panel. But the court held the error was made harmless by the trial judge's decision to reduce the verdict to second-degree murder, and that therefore a new trial was not needed.

What the appellate opinion did not explain, says Stephen Sadowsky, the Los Angeles attorney Widlus hired to help her keep her job, was that Widlus had come forward and told the judge about the undisclosed evidence. Sadowsky says Widlus's conduct was not nearly as egregious as the appeals court and Reiner's office made it sound.

The Brown case, the first felony Widlus ever handled, had been assigned to her two weeks before trial. During her hurried investigation, she got conflicting information about whether property had been taken from the victim. The police report said that personal items were missing, but a district attorney's investigator said he was told by an uncle of the victim that another family member had been given the property.

Still believing robbery to have been the motive for the killing, Widlus asked two experienced prosecutors whether she should disclose the investigator's report to the defense. Both said no, so she kept it to herself.

After the jury returned its verdict, on a Friday afternoon, Widlus started feeling guilty about her failure to disclose the investigator's report to the defense. Sadowsky says she tried unsuccessfully to reach Brown's lawyer and then "was tormented all weekend."

So, first thing Monday morning, she told the trial judge, William Pounders, about it. Pounders modified the verdict and referred the matter to the State Bar, noting that Widlus's misconduct was unintentional and that she had taken the



*A tough boss: Los Angeles County District Attorney Ira Reiner wanted to fire deputy DA Wendy Widlus, but settled for 30 days' suspension without pay.*

MAX RAMIREZ