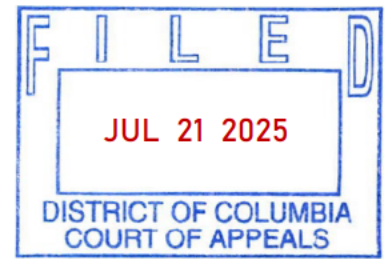


**District of Columbia  
Court of Appeals**

**No. M284-24**



BEFORE: Blackburne-Rigsby, Chief Judge, and Beckwith, Easterly, McLeese, Deahl, Howard, and Shanker, Associate Judges.

**ORDER**

(FILED – July 21, 2025)

On April 7, 2025, the court issued an order in M284-24 amending the D.C. Rules of Professional Conduct. Among the amendments was the removal of the phrase “upon request” from what was previously D.C. R. Pro. Cond. 3.8(e) but is now D.C. R. Pro. Cond. 3.8(d). That phrase appeared twice in R. 3.8(e), and it was the court’s stated intention to delete the phrase from the rule. The Public Defender Service has helpfully alerted the court, however, that only one of the two occurrences of the phrase was removed in the version of the amended rule included in the April 7, 2025, order. It is therefore ordered, effective immediately, that what is now D.C. R. Pro. Cond. 3.8(d) is amended to remove the remaining occurrence of the phrase “upon request.” Clean and redlined versions of the amended rule are attached to this order.

Clean version:

R. 3.8(d) Intentionally fail to disclose to the defense, at a time when use by the defense is reasonably feasible, any evidence or information, which can include impeachment information or information tending to support a motion to suppress evidence, that the prosecutor knows or reasonably should know tends to negate the guilt of the accused or to mitigate the offense, or in connection with sentencing, intentionally fail to disclose to the defense any unprivileged mitigating information known to the prosecutor and not reasonably available to the defense, except when the

prosecutor is relieved of this responsibility by a protective order of the tribunal;

Redlined version:

R. 3.8(d) Intentionally fail to disclose to the defense, ~~upon request and~~ at a time when use by the defense is reasonably feasible, any evidence or information, which can include impeachment information or information tending to support a motion to suppress evidence, that the prosecutor knows or reasonably should know tends to negate the guilt of the accused or to mitigate the offense, or in connection with sentencing, intentionally fail to disclose to the defense any unprivileged mitigating information known to the prosecutor and not reasonably available to the defense, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal;

**PER CURIAM**