

Prosecutorial Misconduct - Paul Ebert Commonwealth Attorney



This case of proven prosecutorial misconduct hits close to home because it is close to home in Manassas, Virginia. The post will center mainly upon the case Wolfe vs. Clarke. Justin Wolfe, the defendant, had his conviction [vacated](#). It was overturned by a Federal Judge who had a few choice words for the Commonwealth Attorney, Paul Ebert (photo above). This portion of the ruling is eye opening and should serve as notice to the importance of having an open file policy in Virginia. Amazingly Mr. Ebert is currently the Commonwealth Attorney in Prince William County. The Federal Judge who vacated the conviction is not impressed with Ebert or his office and found Ebert's behavior abhorrent to the judicial process; strong words.

There is nothing more that can be added, except that Ebert has only worsened in his duties as the latest sexting [case](#) in Manassas demonstrates. For a Commonwealth Attorney to openly proclaim that he does not provide exculpatory evidence to the defense because it could be used as a defense is chilling and reveals the type of attorney and person that Ebert is. His mentality toward the judicial process is draconian and is abhorrent.

The latest sexting case, which has garnered much needed national attention, has laid bare the issues with Judicial System in Prince William County. If you are not aware

During Wolfe's evidentiary hearing in the district court, the Commonwealth's Attorney explained that his office does not have an "open-file policy," providing criminal defense counsel access to entire case files. See J.A. 3690. Asked to elaborate, he offered the flabbergasting explanation that he has "found in the past when you have information that is given to certain counsel and certain defendants , they are able to fabricate a defense

around what is provided.” Id. Additionally, the Assistant Commonwealth’s Attorney admitted that he does not produce evidence to a criminal defendant unless he first deems it to be “material[]” and “credib[le].” Id. at 3782. The district court rightly lambasted that conduct in its Brady Order:

In effect, Ebert admits here that his contempt of defendants who “fabricate a defense” guides his perspective on disclosing information... The Court finds these actions not only unconstitutional in regards to due process, but abhorrent to the judicial process.