



THE DESTRUCT RULE

a novel
by Peter Koenz

The Destruct Rule

Colorado



The Destruct Rule:

Regulations to govern the destruction of records of electric railway companies, prescribed by the Interstate Commerce Commission, in accordance with the section 20 of the Interstate Commerce Act. Issue of 1946.

Effective September 1, 1946. (Supersedes all previous issues). United States. Interstate Commerce Commission, 1946

Destruction of Evidence Jamie S. Gorelick, Stephen Marzen, Lawrence Solum, 1995-12-31 A practice manual as well as an authoritative resource Destruction of Evidence analyzes issues from the standpoints of civil litigation criminal litigation and the laws of professional responsibility Destruction of Evidence also discusses in depth such areas as the spoliation inference the tort of spoliation discovery sanctions ethics and routine destruction Also included is an expanded discussion of discovery sanctions including procedural issues choice of law considerations the requirements for preserving sanctions issues for appellate review burdens of proof and appellate review The supplement keeps you up to date on the continuing development of the controversial torts of both first and third party spoliation of evidence Massachusetts has declined to recognize a cause of action in tort for intentional or negligent spoliation of evidence The Supreme Court of Mississippi did not recognize an independent cause of action for the intentional spoliation of evidence against first or third party spoliators Nevada declined to recognize an independent tort spoliation of evidence when weighed against the andquot potentially endless litigation over a speculative loss and by the cost to society of promoting onerous record and evidence retention policiesandquot Constitutional implications in the realm of criminal law Many states within the last year have been addressing the potential for due process violations when evidence is destroyed and are continuing to adopt and expand the rules dictated by Brady Trombetta and Youngblood While each of these new jurisdictions refused to find due process violation this trend recognizes the increased potential for constitutional violations when evidence is destroyed Hawaii refused to find a constitutional violation where a police officer failed to save her completed police report citing Brady The Supreme Court of Mississippi ruled that a defendant was not denied due process by spoliation of crime scene evidence citing Trombetta Nevada using a bad faith standard ruled that an independent laboratory s failure to refrigerate a defendant s blood sample did not violate due process A New Jersey court did not find a due process violation where the police had lost a videotape of the administration of breath tests for a DUI charge Oklahoma ruled that a defendant s due process rights were not violated when the police destroyed latent crime scene fingerprints citing Youngblood Using an exculpatory evidence standard the Supreme Court of South Dakota ruled that the State s release of a rape victim s vehicle without notice to the defendant did not violate the defendant s due process rights **The Penal Code and Code of Criminal Procedure of the State of Texas** Texas, 1896 **Rules Governing the Destruction of Records of Water Utilities Prescribed by the Illinois Commerce Commission** Illinois Commerce Commission, 1940 **The Code of Federal Regulations of the United States of America Having General Applicability and Legal Effect in Force June 1, 1938** , 1940 Revised Penal Code and Code

of Criminal Procedure Texas,1889 **Federal Register** ,1993-12-28 *The Commentaries of Gaius and Rules of Ulpian*
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