

## Veto No. 1992-1

HB 1721

June 26, 1992

To the Honorable, the House of Representatives  
of the Commonwealth of Pennsylvania:

I am returning herewith, without my approval, House Bill 1721, Printer's No.3495, entitled "An act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, regulating testimony of defendants as to other offenses."

For nearly a century it has been the rule in this Commonwealth that no defendant in a criminal proceeding shall be compelled to answer questions on cross-examination about convictions of prior crimes of dishonesty or falsehood. The purpose of this rule is to prevent the predisposition and tainting of the minds of the jury with inferences that the defendant is guilty without giving the proper deference to the presumption of innocence until proven guilty beyond a reasonable doubt.

This prohibition preventing cross-examination about prior crimes must not be misunderstood to completely prohibit the prosecutor from presenting evidence of such crimes to the jury to disprove the reliability of the veracity or truthfulness of a defendant who testifies as a witness. The current state of the law permits the prosecutor to put such evidence on the record during the time allotted to the Commonwealth to rebut the case presented by the defense.

This bill changes about one hundred years of criminal procedure by relieving the prosecution from the responsibility of showing that the defendant was convicted of prior crimes of dishonesty or falsehood, and permitting the prosecution to force admissions from the mouth of a defendant who voluntarily takes a seat before the jury in order to defend against the accusations of criminal conduct. This is a substantial change in a rule of evidence which has consistently been applied in case after case since 1911, and which most likely helped to save defendants from being convicted of crimes for which they were unjustly accused.

I cannot approve this bill because no reasonable or legitimate justification has been presented to me for overturning a long and well-accepted rule of evidence intended to ensure fairness in criminal trials and because it flies in the face of the very purpose and intent of the rule to avoid the creation of a predisposition in the minds of the jury which threatens the presumption of innocence. It unfairly increases the tactical advantage of prosecutors at the expense of presumptively innocent defendants.

For all of these reasons, I hereby disapprove this bill and return it to the General Assembly without my signature.

ROBERT P. CASEY