



**Snohomish County**

**Prosecuting Attorney  
Criminal Division**

**Adam Cornell**  
*Prosecuting Attorney*  
**Matthew D. Baldock**  
*Chief Deputy*

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**MEMORANDUM**

**TO:** Michelle Rutherford, Deputy Prosecuting Attorney

**FROM:** Adam Cornell, Prosecuting Attorney *AC*

**DATE:** April 10, 2020

**RE:** Findings Concerning Allegations by Judge Anita Farris in the Matter of State v. Guinn

On December 5, 2019, Judge Anita Farris issued *Findings of Fact, Conclusions of Law and Order Regarding Sanctions* in *State v. Keland Guinn*. In that order, the Court found that you engaged in various instances of misconduct that warranted sanctions, including eight statements you made to the Court that it found were either dishonest or intentionally misleading. As has been discussed with you, while I believe that many issues identified by the Court can and have been addressed by appropriate discussion, coaching, and training, I believe I was obligated to independently review the findings relating to dishonesty and misleading statements to determine whether they had merit and if so, if discipline is warranted. Honesty and integrity are cornerstones of our profession and the high standards of our office and I must be able to trust that every deputy prosecuting attorney is fulfilling his or her duty to engage the Court with honesty and candor in all proceedings. As a result, I directed a review of the operative record and Court's findings to determine whether there is a sufficient foundation to support Judge Farris's conclusion that you were dishonest and/or intentionally misleading in any of your communications to the Court.

In making my determination, I relied on a review of the following documents:

- May 31, 2019, Transcript of Proceedings
- June 3, 2019, Transcript of Proceedings, and attached exhibits
- June 4, 2019, Transcript of Proceedings, and attached exhibits
- June 5, 2019, Transcript of Proceedings, and attached exhibits
- June 6, 2019, Transcript of Proceedings, and attached exhibits
- August 16, 2019, Transcript of Proceedings
- Motion to Dismiss, with exhibits, dated May 31, 2019
- Amended Motion to Dismiss, with exhibits, dated June 3, 2019

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- States Response to Motion to Dismiss, with exhibits, dated June 3, 2019
- Declaration of Michelle Rutherford in Opposition of Sanctions, dated August 2, 2019.
- Amended Declaration of Michelle Rutherford in Opposition of Sanctions, dated September 6, 2019.
- Findings of Fact, Conclusions of Law, and Order Regarding Sanctions, State v. Guinn.
- Apology Letter to me, dated March 3, 2020.

The volume of the material reviewed is substantial and the serious nature of the allegations and the implications for your reputation and professional standing required painstaking and thoughtful analysis. Based on that review, I have determined that while I do not believe the Court's findings are baseless in their entirety, I disagree with its conclusions. Broadly, I find that the record either does not substantiate individual findings that underpin later conclusions, or, with respect to certain conclusions, that there is an open question as to your intent. I believe in instances where the Court perceived ill intent, it is equally or more reasonable to conclude that you were simply imprecise or vague in your responses. I am convinced that there were several significant factors that led to these imprecise and/or vague responses – including the Court's aggressive tone, confusing and repeated questions, and apparent unwillingness to disengage from its own narrative – which lead me to conclude that you were not dishonest or intentionally misleading. As a result, I will not be imposing discipline in this matter.

If you wish to discuss this matter further, please contact me and Chief Criminal Deputy Matt Baldock and we will arrange a time to communicate.

Cc: Chief Criminal Deputy Matthew Baldock

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