

Rule 3.11 | DISCLOSURE IN A CRIMINAL ACTION

(a) GENERAL RULE. Before judgment in, or dismissal of, a criminal action, a lawyer or law enforcement agent directly or through a surrogate must not extrajudicially and publicly disclose information about the action if the disclosure will interfere with a fair trial or otherwise prejudice the administration of justice.

(b) EXAMPLES.

(1) A lawyer or law enforcement agent directly or through a surrogate must not extrajudicially and publicly disclose:

(A) the defendant's criminal record or information about the defendant's character or reputation except, if the defendant remains at large, information necessary to aid in apprehension or to warn the public;

(B) the existence, absence, or content of a confession, admission, or statement by the defendant;

(C) the defendant's performance on, or failure to submit to, a mental, physical, or other assessment;

(D) a witness's identity, testimony, or credibility unless the witness is a victim and the disclosure is lawful and ethical;

(E) the possibility of a guilty plea; or

(F) an opinion about the guilt of the defendant or the merit of the action.

(2) A lawyer or law enforcement agent directly or through a surrogate may request assistance and may extrajudicially and publicly disclose:

(A) the defendant's name, age, residence, occupation, and family status;

(B) the fact and circumstances of the arrest and a description of evidence seized;

(C) the substance of the charge;

(D) a public record;

- (E) the status of the action; and
- (F) the defendant's denial of the charge.