

Committee Opinion
August 29, 1980

LEGAL ETHICS OPINION 386

CRIMINAL LAW – DUTY TO
DISCLOSE.

An attorney representing a defendant in a criminal matter has no obligation to reveal to the Commonwealth's Attorney the whereabouts of a weapon discovered during his investigation, when the attorney did not remove or take steps to conceal the weapon. [See II: DR:4-101(B); DR:7-102(A)(7) and (8); and DR:7-108(A).] If the attorney determined to disclose the existence of a weapon, the attorney's client should be informed prior to any disclosure. [See II: DR:4-101(C)(1).] The attorney has no duty, however, to protect a third party who is not his client who may become involved in removal or concealment of such weapon.

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