

Committee Opinion
August 17, 1984

LEGAL ETHICS OPINION 597

TESTIMONY FOR COMMONWEALTH
BY ASSISTANT COMMONWEALTH
ATTORNEY.

It is not improper for an Assistant Commonwealth's Attorney to testify for the Commonwealth on the charge of driving after having been previously adjudicated an habitual offender notwithstanding that the Assistant Commonwealth's Attorney served as prosecutor in the prior adjudicatory proceeding, unless the Commonwealth's Attorney has reason to believe that the identity of the defendant is in question and that substantial evidence will be offered in opposition to the testimony of the Assistant Commonwealth's Attorney. [DR:5-101(B)(1), DR:5-102(A), LE Op. 487]

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