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Mailing Address  
P.O. Box 279  
Davison, MI 48423

517.579.0533 office  
www.CDAMonline.org

August 7, 2019

Nina Ginsberg, President  
National Association of Criminal Defense Lawyers  
1660 L St. NW, 12th Floor  
Washington, DC 20036

Re: ABA Resolution No. 114 (Affirmative Consent to Sex)

Dear President Ginsberg,

On July 25, 2019, the Board of Directors of the Criminal Defense Attorneys of Michigan met to review and discuss proposed ABA Resolution No. 114 which recommends that state legislatures make consent an affirmative defense in criminal sexual assault cases. It would further require consent to be affirmatively granted.

We were provided an advance copy of the NACDL opposition to this resolution and concur in the reasoning set forth in that document. By shifting the burden of proof of this critical element of the case from the State to the defense, we believe that the proposal undercuts the principals of the reasonable doubt standard and will result in wrongful convictions. We hereby authorize our name to be added to your proposed opposition.

By way of background, Criminal Defense Attorneys of Michigan is the largest and oldest group of criminal defense attorneys in Michigan. We are forty years old and recognized by the Michigan Supreme Court as the official representative of the criminal defense bar.

Thank you for your consideration in this matter.

Yours very truly,

Elizabeth A. Lacosse, President  
Criminal Defense Attorneys of Michigan

Cc: Arthur Jay Weiss, 2<sup>nd</sup> Vice President, CDAM