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Recent Developments: Marshall v. State: Prosecutors May Invoke the Invited Response Doctrine in Order to Comment on a Defendant's Refusal to Testify Only if the Court Agrees That Such Comment Is Warranted by Improper Attacks from Defense Counsel

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RECENT DEVELOPMENT

MARSHALL V. STATE

By: Michael Rosemond

PROSECUTORS MAY INVOKE THE INVITED RESPONSE DOCTRINE IN ORDER TO COMMENT ON A DEFENDANT'S REFUSAL TO TESTIFY ONLY IF THE COURT AGREES THAT SUCH COMMENT IS WARRANTED BY IMPROPER ATTACKS FROM DEFENSE COUNSEL.

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