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# Brady v. Maryland

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Brady v. Maryland, 373 U.S. 83 (1963) was a landmark United States Supreme Court case that established that the prosecution must turn over all evidence that might exonerate the defendant (exculpatory evidence) to the defense.[1]:4 The prosecution failed to do so for Brady and he was convicted. Brady challenged his conviction, arguing it had been contrary to the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

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- 1 Procedural history
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# Procedural history [edit]

Maryland prosecuted John Leo Brady and a companion, Donald Boblit, for murder. Brady admitted being involved in the murder, but claimed Boblit had done the actual killing. The prosecution had withheld a written statement by Boblit confessing that he had committed the act of killing by himself. The Maryland Court of Appeals had affirmed the conviction and remanded the case for

### Brady v. Maryland



**Supreme Court of the United States** 

#### Argued March 18-19, 1963 Decided May 13, 1963

**Full case** 

Brady v. State of Maryland

name

Citations 373 U.S. 83 (more)

83 S. Ct. 1194: 10 L. Ed. 2d 215:

1963 U. S. LEXIS 1615

Prior history Certiorari to the Court of Appeals

of Maryland

### Holding

Withholding of evidence violates due process "where the evidence is material either to guilt or to punishment. "

#### Court membership

**Chief Justice** Earl Warren

#### **Associate Justices**

Hugo Black - William O. Douglas Tom C. Clark - John M. Harlan II William J. Brennan, Jr. Potter Stewart Byron White Arthur Goldberg

#### **Case opinions**

Majority

Douglas, joined by Warren,

Clark, Brennan, Stewart,

Goldberg

**Concurrence** White

a retrial only on the question of punishment.

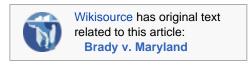
# Laws applied

**Dissent** 

U. S. Const. amend. XIV

# The Court's decision [edit]

The Supreme Court held that withholding exculpatory evidence violates due process "where the evidence is material either to guilt or to punishment"; and the court



Harlan, joined by Black

determined that under Maryland state law the withheld evidence could not have exculpated the defendant but was material to the level of punishment he would be given. Hence the Maryland Court of Appeals' ruling was affirmed.

A defendant's request for "Brady disclosure" refers to the holding of the Brady case, and the numerous state and federal cases that interpret its requirement that the prosecution disclose material exculpatory evidence to the defense. Exculpatory evidence is "material" if "there is a reasonable probability that his conviction or sentence would have been different had these materials been disclosed". [2] Brady evidence includes statements of witnesses or physical evidence that conflicts with the prosecution's witnesses, [3] and evidence that could allow the defense to impeach the credibility of a prosecution witness.<sup>[4]</sup>

## Aftermath [edit]

Police officers who have been dishonest are sometimes referred to as "Brady cops". Because of the Brady ruling, prosecutors are required to notify defendants and their attorneys whenever a law enforcement official involved in their case has a confirmed record of knowingly lying in an official capacity. [5] Police officers fear that prosecutors and police supervisors will use access to their personnel files to abuse the Brady-cop designation, by labeling officers as Brady cops in order to punish them outside of formal disciplinary channels and those channels' attendant procedural protections.

Brady has become not only a matter of defendants' due process trial rights, but also of police officers' due process employment rights. Officers and their unions have used litigation, legislation, and informal political pressure to push back on Brady's application to their personnel files. This conflict over Brady's application has split the prosecution team, pitting prosecutors against police officers, and police management against police labor. [6] Brady evidence also includes evidence material to credibility of a civilian witness, such as evidence of false statements by the witness or evidence that a witness was paid to act as an informant.[7]

# See also [edit]

- List of United States Supreme Court cases, volume 373
- Brady material
- Connick v. Thompson
- Giglio v. United States
- Jencks Act
- Jencks v. United States
- Pitchess motion

Testilying

## Notes [edit]

- 1. \* Criminal Law Cases and Materials, 7th ed. 2012, Wolters Kluwer Law & Business; John Kaplan, Robert Weisberg, Guyora Binder, ISBN 978-1-4548-0698-1, [1]
- 2. ^ Strickler v. Greene, 527 U.S. 263, 296 @ (1999).
- 3. ^ People v. Johnson, 38 Cal.App.3d 228, 113 Cal.Rptr. 303 (1974).
- 4. A Banks v. Dretke, 540 U.S. 668 (2004).
- 5. ^ Kamb, Lewis; Nalder, Eric (January 29, 2008). "Cops who lie don't always lose jobs" . Seattle Post-Intelligencer. Retrieved January 2, 2013.
- 6. A "Brady's Blind Spot: Impeachment Evidence in Police Personnel Files and the Battle Splitting the Prosecution Team" (PDF). Stanford Law School. 2014-08-29. Retrieved 2016-02-09.
- 7. A Banks, 540 U.S., at 694, 698.

## Further reading [edit]

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   Material in United States District and State Courts' Rules, Orders, and Policies: Report to the
   Advisory Committee on Criminal Rules of the Judicial Conference of the United States,
   Federal Judicial Center, October 2004.
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## External links [edit]

• ^ 373 U. S. 83 Full text of the opinion courtesy of Findlaw.com.

V • T • E	United States criminal due process case law	[hide]
	Reasonable doubt	[show]
	Brady disclosure	[hide]
Brady v. Maryland (1963) • Giglio v. United States (1972) • Moore v. Illinois (1972) • United States v. Agurs (1976) • California v. Trombetta (1984) • United States v. Bagley (1985) • Arizona v. Youngblood (1988) • Kyles v. Whitley (1995) • Wood v. Bartholomew (1995) • Strickler v. Greene (1999) • United States v. Ruiz (2002) • Illinois v. Fisher (2004) • Banks v. Dretke (2004) • Youngblood v. West Virginia (2006) • Cone v. Bell		
Smith v. Cain		

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Categories: Brady material case law | United States Supreme Court cases | 1963 in United States case law | United States Supreme Court cases of the Warren Court

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