



**WIKIPEDIA**  
The Free Encyclopedia

[Main page](#)  
[Contents](#)  
[Featured content](#)  
[Current events](#)  
[Random article](#)  
[Donate to Wikipedia](#)  
[Wikipedia store](#)

[Interaction](#)

[Help](#)  
[About Wikipedia](#)  
[Community portal](#)  
[Recent changes](#)  
[Contact page](#)

[Tools](#)

[What links here](#)  
[Related changes](#)  
[Upload file](#)  
[Special pages](#)  
[Permanent link](#)  
[Page information](#)  
[Wikidata item](#)  
[Cite this page](#)

[Print/export](#)

[Create a book](#)  
[Download as PDF](#)  
[Printable version](#)

[Languages](#)

Add links

Not logged in [Talk](#) [Contributions](#) [Create account](#) [Log in](#)

Article [Talk](#)

Read [Edit](#) [View history](#)



# Brady v. Maryland

From Wikipedia, the free encyclopedia



This article includes a [list of references](#), but **its sources remain unclear** because it has **insufficient inline citations**. Please help to [improve](#) this article by [introducing](#) more precise citations. *(April 2016)* ([Learn how and when to remove this template message](#))

***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.<sup>[1]:4</sup> 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](#).

## Contents

- [Procedural history](#)
- [The Court's decision](#)
- [Aftermath](#)
- [See also](#)
- [Notes](#)
- [Further reading](#)
- [External links](#)

## Procedural history

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

<b>Full case name</b>	<i>Brady v. State of Maryland</i>
<b>Citations</b>	373 U.S. 83 <span> </span> <span><span></span></span> ( <i>more</i> ) 83 S. Ct. 1194; 10 L. Ed. 2d 215; 1963 U. S. LEXIS 1615
<b>Prior history</b>	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

<b>Majority</b>	Douglas, joined by Warren, Clark, Brennan, Stewart, Goldberg
<b>Concurrence</b>	White

a retrial only on the question of punishment.

**Dissent** Harlan, joined by Black

#### Laws applied

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 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.



Wikisource has original text related to this article:  
**Brady v. Maryland**

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".<sup>[2]</sup> Brady evidence includes statements of witnesses or physical evidence that conflicts with the prosecution's witnesses,<sup>[3]</sup> 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.<sup>[5]</sup> 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.<sup>[6]</sup> 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.<sup>[7]</sup>

## 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]

- ↑ *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]
- ↑ *Strickler v. Greene*, [527 U.S. 263](#), [296](#) (1999).
- ↑ *People v. Johnson*, 38 Cal.App.3d 228, 113 Cal.Rptr. 303 (1974).
- ↑ *Banks v. Dretke*, [540 U.S. 668](#) (2004).
- ↑ Kamb, Lewis; Nalder, Eric (January 29, 2008). "Cops who lie don't always lose jobs". *Seattle Post-Intelligencer*. Retrieved January 2, 2013.
- ↑ "*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.
- ↑ *Banks*, 540 U.S., at 694, 698.

## Further reading [edit]

- Clark, Garry (September 2005). "The Grand Jury: Phase: I — The Murder of Marsa Gipson". Archived from [the original](#) on 2011-02-02.
- Gershman, Bennett L. (January 1, 2006). "Reflections on *Brady v. Maryland*". *South Texas Law Review*. [Pace University School of Law](#). **47**: 685.
- Hochman, Robert (1996). "*Brady v Maryland* and the Search for Truth in Criminal Trials". *The University of Chicago Law Review*. The University of Chicago Law Review, Vol. 63, No. 4. **63** (4): 1673–1705. [JSTOR 1600284](#). doi:10.2307/1600284.
- Hooper, Laural L.; Marsh, Jennifer E.; and Yeh, Brian. *Treatment of Brady v. Maryland 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.
- Levenson, Laurie L. "Discovery From the Trenches: The Future of Brady". *UCLA Law Review Discovery*. **60**: 74. Retrieved April 8, 2014.
- Sundby, Scott E. (2002). "Fallen Superheroes and Constitutional Mirages: The Tale of *Brady v. Maryland*". *McGeorge Law Review*. **33**. doi:10.2139/ssrn.361040.
- "Successful Brady/Napue Cases" (PDF). *Habeas Assistance and Training 09/09*. Capital Defense Network. September 27, 2009. Retrieved January 2, 2013.

## External links [edit]

- ↑ [373 U. S. 83](#) Full text of the opinion courtesy of Findlaw.com.

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

(2009) • (2012)

**Mental competence**

[show]

**Prosecutorial misconduct**

[show]

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](#)

This page was last edited on 16 July 2017, at 05:41.

Text is available under the [Creative Commons Attribution-ShareAlike License](#); additional terms may apply. By using this site, you agree to the [Terms of Use](#) and [Privacy Policy](#). Wikipedia® is a registered trademark of the [Wikimedia Foundation, Inc.](#), a non-profit organization.

[Privacy policy](#) [About Wikipedia](#) [Disclaimers](#) [Contact Wikipedia](#) [Developers](#) [Cookie statement](#) [Mobile view](#)

[Enable previews](#)

