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Brady v. Maryland
Case Law Update

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In 1958, John Leo Brady and Charles Donald Boblit were convicted of murder in the course of robbery of their acquaintance William Brooks. Their trials were separate, and, in his trial, Brady admitted to participating in the crime but contended that Boblit was the one who actually strangled Brooks. Therefore, Brady had asked for life imprisonment, rather than death, as punishment. Brady was sentenced to death, as was Boblit in his later trial. Their convictions and sentences were affirmed on appeal. *Boblit v. State*, 220 Md. 454, 154 A.2d 434 (1959).

Prior to trial, Brady's defense counsel had requested the prosecution allow him to review Boblit's extrajudicial statements. The prosecution produced four statements and, in each one, Boblit claimed Brady had strangled Brooks.

Post-conviction, a lawyer named E. Clinton Bamberger, Jr. was referred to Brady by a friend, a chaplain at the penitentiary where Brady awaited execution.[1] Bamberger discovered that Boblit had given five statements to police, but the prosecution had only turned over four.[2] In his fifth statement, Boblit had confessed that he was the one who actually strangled Brooks.

Brady applied for post-conviction relief, moving for a new trial based on newly discovered evidence that had been suppressed by the prosecution. The trial court denied relief, and Brady appealed, contending he was deprived of a fair trial by the State's failure to disclose at or before trial that it then had in its possession a statement of his accomplice admitting that he (the accomplice) had actually strangled the victim. *Brady v. State*, 226 Md. 422, 425, 174 A.2d 167 (1961).

The Maryland Court of Appeals (the state's highest court) held that suppression or withholding by the State of material evidence

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[1] https://www.washingtonpost.com/nation/e-clinton-bamberger-jr-lawyer-who-won-brady-rule-for-criminal-defendants-dies-at-90/2017

[2] *Id.*

exculpatory to an accused was a violation of due process. *Brady*, 226 Md. at 427. The Court believed that the prosecution had a duty to produce Boblit's confession or at least inform counsel for the accused of its existence. 226 Md. at 427.

Brady conceded in this appeal that he had participated in the robbery in the course of which the murder had occurred. 226 Md. at 425. He, therefore, only argued prejudice from the non-disclosure of Boblit's fifth statement as to the punishment phase. *Id*. at 430. "Not without some doubt," the Maryland appellate court concluded that the withholding of Boblit's confession was prejudicial to Brady. *Id.* at 429. The court remanded the cause for a new trial on punishment only. *Id.* at 431. The court noted that even if Boblit's withheld confession had been before the jury at guilt/innocence, nothing in it could have reduced Brady's offense below murder in the first degree. 226 Md. at 430.

The United States Supreme Court granted certiorari. The question presented was **whether Brady was denied due process under the Fourteenth Amendment when the Maryland Court of Appeals restricted its grant of a new murder trial to the question of punishment.** *Brady v. Maryland*, 373 U.S. 83, 85 (1963). But, before addressing that question, the Supreme Court agreed with the Maryland Court of Appeals that suppression of Boblit's confession was a violation of due process. *Brady*, 373 U.S. at 86.

The Supreme Court reached its conclusion by reviewing previous decisions addressing the State's use of false testimony or its failure to correct false testimony. The Supreme Court held "that the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution." *Brady*, 373 U.S. at 87. The Supreme Court affirmed the decision of the Maryland Court of Appeals and held that Brady was not denied due process or equal protection of the law by the grant of a new trial on punishment only where the suppressed statement was only admissible at punishment. 373 U.S. at 90-91.

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