Brady v. Maryland



Berger v. United States
295 U.S. 78, 88 (1935)

"…and whose interest, therefore, in a criminal prosecution is not that it shall win a case, ***but that justice shall be done***. As such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer. He may prosecute with earnestness and vigor – indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one."

Justice Robert H. Jackson

April 1, 1940

"The qualities of a good prosecutor are as elusive and as impossible to define as those which make a gentleman. And those who need to be told would not understand it anyway. A sensitiveness to fair play and sportsmanship is perhaps the best protection against the abuse of power, and the citizens safety lies in the prosecutor who tempers zeal with human kindness, who seeks truth and not victims, who serves the law and not factional purposes, and who approaches his task with humility."

The Players

John Leo Brady

Donald Boblit (partner in crime)

William Brooks (victim)

Clinton Bamberger (the lawyer)



The United States Supreme Court granted cert to answer:

> **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, 87 (1963)



"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."

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"“*Brady*” Case Law Update"